

# Notice of meeting and agenda

## **The City of Edinburgh Council**

**10.00 am, Thursday, 26 January 2017**

Council Chamber, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

### **Contact**

E-mail: [allan.mccartney@edinburgh.gov.uk](mailto:allan.mccartney@edinburgh.gov.uk)

Tel: 0131 529 4246

## **1. Order of business**

---

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of interests**

---

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Deputations**

---

- 3.1 If any

## **4. Minutes**

---

- 4.1 The City of Edinburgh Council of 15 December 2016 (circulated) – submitted for approval as a correct record

## **5. Questions**

---

- 5.1 By Councillor Main – Support for Children in Primary Schools Whose Home Language is not English – for answer by the Convener of the Education, Children and Families Committee
- 5.2 By Councillor Mowat – Bin Collection Calendars – for answer by the Convener of the Transport and Environment Committee
- 5.3 By Councillor Burgess - Private Landlord Registration – for answer by the Convener of the Regulatory Committee
- 5.4 By Councillor Bagshaw – Charter of Brussels – for answer by the Convener of the Transport and Environment Committee
- 5.5 By Councillor Corbett – Town Centres Strategy – for answer by the Convener of the Economy Committee
- 5.6 By Councillor Rust – Winter Maintenance – for answer by the Convener of the Transport and Environment Committee
- 5.7 By Councillor Heslop – UK and Scottish Governments’ Carbon Reduction Commitment Scheme – for answer by the Convener of the Transport and Environment Committee
- 5.8 By Councillor Heslop – Planning and Building Standards Portal – for answer by the Convener of the Planning Committee

- 5.9 By Councillor Rose – Tram Inquiry – for answer by the Leader of the Council
- 5.10 By Councillor Rose – Open Data – for answer by the Convener of the Transport and Environment Committee
- 5.11 By Councillor Rose – Sickness Absence – for answer by the Convener of the Finance and Resources Committee

## **6. Leader's Report**

---

- 6.1 Leader's report

## **7. Appointments**

---

- 7.1 If any

## **8. Reports**

---

- 8.1 The Edinburgh and South East Scotland City Region (ESESCR) Deal - report by the Executive Director of Place (circulated)
- 8.2 Designation of Chief Education Officer – report by the Acting Executive Director of Communities and Families (circulated)
- 8.3 Governance: Scheme of Delegation to Officers – report by the Chief Executive (circulated)
- 8.4 Festival Theatre - Proposed Acquisition of Solum of Former Shop at 13-17 Nicolson Street – referral from the Finance and Resources Committee (circulated)

## **9. Motions**

---

- 9.1 By Councillor Corbett – Potential Sale of the Green Investment Bank

“Council notes mounting concerns about the potential sale of the Green Investment Bank (GIB) to Australian Bank Macquarie and the subsequent risk to 55 Edinburgh-based jobs at the bank; notes the importance of the GIB the city at a time when the public reputation of the banking sector remains low; and therefore asks the Council Leader to make representation to and seek a meeting with the UK Government: seeking assurances about sustaining the jobs in Edinburgh; about safeguarding the portfolio of investments made by the GIB; and about opportunities to further enhance the role of the GIB in developing clean, green investment in Edinburgh and elsewhere.”

### **Kirsty-Louise Campbell**

Interim Head of Strategy and Insight

## Information about the City of Edinburgh Council meeting

---

The City of Edinburgh Council consists of 58 Councillors and is elected under proportional representation. The City of Edinburgh Council usually meets once a month and the Lord Provost is the Convener when it meets.

The City of Edinburgh Council usually meets in the Council Chamber in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the Council meeting is open to all members of the public.

## Further information

---

If you have any questions about the agenda or meeting arrangements, please contact Allan McCartney, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4246, e-mail [allan.mccartney@edinburgh.gov.uk](mailto:allan.mccartney@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

## Webcasting of Council meetings

---

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Provost will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, you are consenting to being filmed and to the use and storage of those images and sound recordings and any information pertaining to you contained in them for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by you to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential

appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk) .

## The City of Edinburgh Council

Edinburgh, Thursday 15 December 2016

**Present:-**

### **LORD PROVOST**

**The Right Honourable Donald Wilson**

### **COUNCILLORS**

Elaine Aitken  
Robert C Aldridge  
Norma Austin Hart  
Nigel Bagshaw  
Gavin Barrie  
Angela Blacklock  
Chas Booth  
Mike Bridgman  
Steve Burgess  
Andrew Burns  
Ronald Cairns  
Steve Cardownie  
Maureen M Child  
Bill Cook  
Nick Cook  
Gavin Corbett  
Cammy Day  
Denis C Dixon  
Marion Donaldson  
Paul G Edie  
Catherine Fullerton  
Paul Godzik  
Joan Griffiths  
Bill Henderson  
Ricky Henderson  
Dominic R C Heslop

Lesley Hinds  
Sandy Howat  
Allan G Jackson  
Karen Keil  
David Key  
Richard Lewis  
Alex Lunn  
Melanie Main  
Mark McInnes  
Adam McVey  
Eric Milligan  
Joanna Mowat  
Gordon J Munro  
Jim Orr  
Lindsay Paterson  
Ian Perry  
Alasdair Rankin  
Vicki Redpath  
Cameron Rose  
Frank Ross  
Jason G Rust  
Alastair Shields  
Stefan Tymkewycz  
David Walker  
Iain Whyte  
Norman Work

## 1. Minutes

---

### Decision

To approve the minute of the Council of 24 November 2016 as a correct record.

## 2. Questions

---

The questions put by members to this meeting, written answers and supplementary questions and answers are contained in Appendix 1 to this minute.

## 3. Leader's Report

---

The Leader presented his report to the Council. The Leader commented on:

- Scottish Government's Financial Settlement
- Local economy – hotel industry and passenger figures from Edinburgh airport – transient visitor levy
- Humanitarian crisis – Mercy Corps general appeal
- Congratulations to Ken Buchanan – Edinburgh Award
- Best wishes for happy Christmas and best of luck for 2017

The following questions/comments were made:

- |                           |   |
|---------------------------|---|
| Councillor Rose           | - Coverage in Times newspaper of this Council meeting – Noisy Fireworks   |
| Councillor Burgess        | - Scottish budget announcement – transient visitor levy<br>- City Region Deal – South East Scotland                               |
| Councillor Aldridge       | - Scottish Government finance and transient visitor levy<br>- 4 way temporary traffic lights at Craigmount View – continuing work |
| Councillor Ross           | - Humanitarian crisis and Mercy Corps<br>- Giving Tree in City Chambers reception   |
| Councillor Cardownie      | - Advertising on trams  |
| Councillor Aitken         | - St Crispin's Parent Council – disbanding of transition team in Health and Social Care   |
| Councillor Bill Henderson | - No 24 bus - removal of service  |

- |                      |   |   |
|----------------------|---|---|
| Councillor Barrie    | - | List of recent awards won by the City – Foreign Direct Investment Strategy Award          |
| Councillor Tymkewycz | - | Hibernian Football Club – xmas day lunch for homeless people                              |
|                      | - | Information on the Council website for emergency services/support over the festive season |

#### **4. Executive Management Structure**

---

The Council had agreed the revised Organisational Structure subject to a further review by Council within one year to consider whether the role of the Deputy Chief Executive should be reinstated.

Details were provided on the operation of the Council over the past year and the Council was asked to consider whether the role of the Deputy Chief Executive should be reinstated.

##### **Decision**

To agree not to reinstate the role of Deputy Chief Executive.

(References – Act of Council No 4 of 10 December 2015; report by the Chief Executive, submitted)

#### **5. City of Edinburgh Council Performance Overview – Update 2016**

---

A mid-year update was provided on performance against a range of performance measures for the six-month period to October 2016. Details were provided on the analysis of a number of regular performance reports with particular reference to the Council Performance Dashboard and the final 'Capital Coalition Pledges Update December 2016' which showed a number of areas where good progress had been made and highlighted areas for improvement.

##### **Decision**

To note the report by the Chief Executive, particularly the areas of good progress and the areas requiring further improvement.

(References – Act of Council No 4 of 30 June 2016; report by the Chief Executive, submitted)



## 6 Establishment of Craigmillar Community Council

---

An update was provided on the submission of a petition by over 20 electors requesting that a Community Council be established in Craigmillar.

### Decision

- 1) To approve the process of combined, online, postal and polling place voting, should a poll be required.
- 2) To approve the timetable for the election of Craigmillar Community Council.
- 3) To appoint Councillor Child as Returning Officer.

(Reference – report by the Chief Executive, submitted.)

## 7. Sky Lanterns – Motion by Councillors Ross/Rose

---

The following motion by Councillor Ross, seconded by Councillor Rose, was submitted in terms of Standing Order 16:

“Council notes the campaign organised by NFU Scotland regarding

- the growing popularity of Sky Lanterns
- the inherent problems related to their mass release and
- the calls for greater controls from many organisations.

Council recognises the concerns of

- NFU Scotland in relation to threats to livestock and fire damage to crops
- Civil Aviation Authority in that Sky Lanterns could be drawn into aircraft engines
- The Coastguard receiving numerous calls assuming that they are distress signals
- RSPCA and SSPCA growing concerns regarding the risk to animals
- Fire and rescue services have issues warnings following a number of fire incidents

Council further notes that to date eight Scottish local authorities have banned sky lanterns and/or Helium balloons being launched from their land.

Council therefore instructs officers to engage with the appropriate bodies to develop controls over the use of Sky Lanterns and/or Helium balloons with a view to refusing organisations permission to release from council owned land and premises.”

### **Decision**

To approve the motion by Councillors Ross and Rose.

## **8. Use of Sky Lanterns – Chinese Lanterns – Motion by Councillor Rose**

---

The following motion by Councillor Rose was submitted in terms of Standing Order 16:

“Council

- 1) Notes concerns that the increasing use of sky lanterns, also known as Chinese lanterns, may pose a fire risk to stacks of straw, woodland and buildings, cause litter and constitute a danger to livestock and wildlife if wires and other parts become ingested
- 2) Calls for a report within two cycles assessing the extent of risk, detailing the interested parties affected and the likely impacts of a ban on such devices from Council premises and land.”

### **Decision**

To note that Councillor Rose had withdrawn his motion in light of the Council decision at item 7 above.

## **9. Royal Bank of Scotland – Closure of Branches – Motion by Councillor Ricky Henderson**

---

The following motion by Councillor Ricky Henderson was submitted in terms of Standing Order 16:

“Council notes with regret the recent announcement by RBS to close 9 more branches in Edinburgh.

Council further notes that combined with other recent bank branch closures many of our communities have been left without local banking facilities thus impacting particularly on small businesses, community groups and vulnerable citizens.

Council agrees that the Council Leader should seek a meeting with senior RBS representatives to express concern and to request that these decisions be reconsidered.”

## Decision

To approve the motion by Councillor Ricky Henderson.

## 10. Local Government Elections in May 2017 – Motion by Councillor Corbett

---

The following motion by Councillor Corbett was submitted in terms of Standing Order 16:

“Council notes and welcomes the fact that the local government elections in May 2017 will be the first opportunity for 16 and 17 year olds to vote in local council elections and agrees that a report be submitted to Corporate Policy and Strategy Committee by end of February 2017 on measures which can be taken to encourage 16 and 17 year olds to exercise their vote.”

## Decision

To approve the motion by Councillor Corbett.

## 11. The Bike Station – Motion by Councillor Burgess

---

The following motion by Councillor Burgess was submitted in terms of Standing Order 16:

“Council:

Notes the recent fire at ‘The Bike Station’ at Causewayside in Edinburgh, which devastated the main building including workshop and office space and resulted in loss of large numbers of recycled bikes, parts and specialised equipment;

Notes that the Bike Station is Scotland's largest, and one of its longest established, bike recycling charities, taking in around 10,000 discarded bikes a year, providing training courses and running community projects such as providing balance bikes to Edinburgh’s nursery schools;

Recognises and supports the aims of the Bike Station: To encourage and promote good mental and physical health through encouraging people to cycle; To help people learn to ride their bicycles safely and to be able to repair them themselves; To help the environment by recycling and by promoting cycling as a means of transport;

Welcomes that the Bike Station continues to operate, although not to full capacity, from their warehouse at 244 Causewayside and that they have just launched a two week crowdfunding campaign ‘[www.crowdfunder.co.uk/surviving-after-fire](http://www.crowdfunder.co.uk/surviving-after-fire)’ to help the charity survive through this difficult time;

Further notes the Bike Station also welcomes support from volunteers to help with rebuilding the charity and who can contact the Bike Station on their temporary number 07928483194 or [info@thebikestation.org.uk](mailto:info@thebikestation.org.uk) ;

Agrees that Council officers consider providing in-kind support and advice to Bike Station requests as they rebuild their capacity.”

### **Decision**

To approve the motion by Councillor Burgess.

### **Declaration of Interest**

Councillor Booth declared a non-financial interest as a Director of the Bike Station and left the meeting during the Council’s consideration of the above item.

## **12. Fireworks – Motion by Councillor Mowat**

---

The following motion by Councillor Mowat was submitted in terms of Standing Order 16:

“Council

- 1) Recognises that the fireworks set off regularly in the City add excitement, colour and gaiety to celebrations in Edinburgh but that there is an impact from these regular fireworks on the residents living close to the launch sites and that there are concerns that the increasing scale of such may be having adverse impacts and
- 2) Calls for a report in two cycles to investigate:
  - a. What impact the noise of the bangs has on the health and wellbeing of people and animals;
  - b. What damage may be caused to property from the vibrations from the large pyrotechnic displays;
  - c. What other options are available for keeping the spectacle but reducing the impact such as silent fireworks.”

### **Decision**

To approve the motion by Councillor Mowat.

## Appendix 1

(As referred to in Act of Council No 3 of 15 December 2016)

### QUESTION NO 1

By Councillor Bagshaw for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 15 December 2016

#### Question

- (1) What data exist on accidents and near misses at the key junctions on Princes Street over the last two years, broken down by month?

#### Answer

- (1) The Council's Road Safety & Active Travel section holds data on personal injury collisions supplied by Police Scotland and the vetted data currently covers the period up to the end of February 2016.

No data is available on collisions that do not involve personal injury or incidents described as "near misses"; because these types of incident do not have to be reported to the Police (or to anyone else) there is no way of collecting comprehensive data. In addition, what constitutes a near miss is open to interpretation and any data would therefore be subjective.

Collision data has been provided for the period 31 May 2014 to 29 February 2016.

All junctions on Princes Street have been interpreted as "key junctions", with the exception of Castle Street. This provides the following list of nine junctions;

1. Shandwick Place/Queensferry Street
2. Lothian Road/Princes Street
3. South Charlotte Street
4. Frederick Street
5. Hanover Street/The Mound
6. South St David Street
7. Waverley Bridge
8. South St Andrew Street
9. North Bridge/Leith Street/Waterloo Place

The following table summarises the results of collision retrievals from the Council's data base. The Council's

Accident Investigation Prevention (AIP) protocol establishes a period for investigating and defining ‘accident problems’ as 3 years. This provides a compromise between statistical and practical factors; if there are three similar collisions within that period, the location will be given due consideration for an appropriate intervention. However, no specific location in Princes Street has been identified for AIP intervention.

**Table 2: Collisions for the period 31 May 2014 to 29 February 2016.**

<b>Junction</b>	<b>Date of collision (by month)</b>	<b>Collision Type</b>
1 Queensferry Street	N/a	No collisions recorded
2 Lothian Road	09/2015	Pedestrian
3 Sth Charlotte Street	06/2014	Pedestrian
	08/2015	Pedestrian
4 Frederick Street	12/2014	Pedestrian
	12/2014	Pedestrian
	12/2014	Pedestrian
	08/2015	Pedestrian
	02/2016	Cyclist
5 Hanover Street – The Mound	12/2014	Pedestrian
	01/2015	Cyclist
	01/2015	Cyclist
	02/2015	T.V.N.P.
	11/2015	Bus
	11/2015	Pedestrian
	01/2016	Cyclist
6 Sth St David Street	07/2014	Pedestrian
	09/2014	Bus
	11/2014	Bus
7 Waverley Bridge	09/2014	S.V.N.P.
	06/2015	Cyclist
	08/2015	Pedestrian
8 Sth St Andrew Street	07/2014	Pedestrian
9 North Bridge – Leith Street	05/2014	T.V.N.P.
	04/2015	T.V.N.P.
	06/2015	T.V.N.P.
<b>Totals</b>	<b>Pedestrian = 12</b>	<b>Cyclist = 5</b>
<b>25 collisions</b>	<b>Bus = 3</b>	<b>S.V.N.P. = 1</b>
	<b>T.V.N.P. = 4</b>	<b>M.V.N.P. = 0</b>

S.V.N.P. (Single Vehicle No Pedestrian)
T.V.N.P. (Two Vehicles No Pedestrian)
M.V.N.P. (Multiple Vehicles No Pedestrian)

**Question** (2) What assessment has there been of crossing waiting times and the time of green man phases at each of the key junctions on Princes Street and what plans there are to improve conditions for pedestrians?

**Answer** (2) Pedestrian crossing waiting times at traffic signals along Princes Street are set as defined by the Department of Transport. A system called SPRUCE has recently been delivered which aims to improve waiting times for pedestrians at these junctions. A further piece of work is currently ongoing to improve the operation of the system. This work is being carried out in collaboration with our partners at Edinburgh Trams and Lothian Buses, as major users of the transport network on Princes Street. This is aimed at further improving waiting times for pedestrians. Full implementation of the revised control scheme is scheduled for the end of January 2017.

## QUESTION NO 2

**By Councillor Booth for answer by the Convener of the Economy Committee at a meeting of the Council on 15 December 2016**

### Question

What action has the Council taken, both on Small Business Saturday on 3 December 2016, and throughout the year, to support small and medium sized shops?

### Answer

#### **Small Business Saturday – 3 December 2016**

The Edinburgh Launch of Small Business Saturday (SBS) 15 September 2016 took place and was attended by Council officers alongside the Federation of Small Business.

SBS was launched in 2010. A national SBS team was established to take forward the initiative.

Business Gateway Edinburgh and Lothian liaised with the SBS team in the lead up to September 15<sup>th</sup> 2016 to promote the event and disseminate information.

A link to the SBS Digital Toolkit link was sent to each of the Business Improvement District (BID) Co-ordinators

Since the launch event, the Council has tried to engage the SBS team in order to further promote SBS within Edinburgh and to promote Small Business Saturday 2016 which took place on December 3<sup>rd</sup> 2016. This has however been met by a disappointing lack of communication and engagement from the SBS team.

#### **Support for small and medium sized shops throughout the year**

Business Gateway services are available to all businesses throughout the year. In the last 12 months, 86 retail businesses have been supported to start or grow.

The Council also supports the city's four BIDs (Essential Edinburgh, Greater Grassmarket, West End and Queensferry Ambition) providing a total of £108,000 direct



and indirect funding. The majority of BID members are retailers who benefit from a range of services which promote the retail offer in each location throughout the year.

The Council is also undertaking a project to speculatively build 16 new light industrial units at Cultins Road using £2 million from the Strategic Investment Fund. These units will be flexible spaces capable of supporting multiple uses and supporting small to medium sized enterprises with affordable and flexible work space.

**QUESTION NO 3**

**By Councillor Booth for answer by  
the Convener of the Economy  
Committee at a meeting of the  
Council on 15 December 2016**

**Question**

What meetings has the Council had with Forth Ports or other relevant stakeholders to discuss the prospect of renewable energy generating manufacturers siting their operations in Leith?

**Answer**

Council officers have had no recent meetings with Forth Ports or other relevant stakeholders to discuss the prospect of renewable energy generating manufacturers siting their operations in Leith.

The Chief Executive and Executive Director of Place met with Forth Ports on Friday 2 December 2016 however there were no discussions about renewable energy generating manufacturers locating on their site.

#### **QUESTION NO 4**

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 15 December 2016**

#### **Question**

What meetings have been held with Scottish Government officials or ministers to discuss a low emission zone (LEZ) or clean air zone (CAZ) for Edinburgh?

#### **Answer**

A governance group has been established to oversee the implementation of 'Actions' contained in Scotland's National Low Emission Strategy - Cleaner Air for Scotland (CAFs). One of the key actions is the development of a National Low Emission Framework (NLEF) which includes LEZs and CAZs. The CAFs governance meetings are held monthly and are attended by Scottish Government Officials, Council Officials from Aberdeen, Glasgow, Dundee and Edinburgh, SEPA, Non Government Organisations (NGOs) and Health Protection Scotland.

The development of NLEF is being progressed by the NLEF steering group. This has met four times in the last six months to share information on approach and content. Information is shared and discussed with the CAFs Governance Group. There will be wider group meetings to discuss such topics as, early adopters of an LEZ/CAZ, scheme design and detail and implementation.

Scottish Government Officials met with John Bury and David Leslie from City of Edinburgh Council on 10 August 2016 to discuss the NLEF process, existing funding and current transport related air quality work in Edinburgh.

A meeting of Heads of Planning and Transport and Environmental Health officials from the NLEF Governance Group (Aberdeen, Glasgow, Dundee and Edinburgh) is proposed for December/January. This will be led by Scottish Governmental officials and will focus the scale and shape of NLEF options (LEZ/CAZ), resources and funding required.

Scottish Government officials are in regular contact with the Scottish Ministers providing updates to relevant Parliamentary Questions and briefing on CAFs and NLEF progress.

In addition to the above in my capacity as Transport & Environment Convener I was interviewed as part of the consultation exercise for and the preparation of the Clean Air for Scotland document. I have also attended a workshop in relation to this initiative attended by both Elected Members and representatives of the Scottish Government to discuss air quality issues. As Vice-Chair of SEStran I have also met with the Scottish Government's Transport Minister on two occasions at which I have pressed the case for continued early action on air quality issues in Edinburgh and the wider SEStrans area.

City of Edinburgh Council officials will continue to be engaged with the NLEF process.

**Supplementary Question**

Thank you Lord Provost. I thank the Convener for her answer. For the benefit of those watching the webcam I asked about low emission and clean air zones and in particular whether the Council has any plans to develop these. The answer effectively says that a report will be coming forward to the Transport and Environment Committee in January that will look at that. Once again I thank the Convener for her answer

Can she clarify, it's not 100% clear from the written answer that's been provided, is Scottish Government funding likely to be forthcoming if the Council was to progress either a low emissions zone or a clean air zone and has the Council been in discussions with the Scottish Government about this?

**Supplementary Answer**

I was just saying to Councillor Day I'm going to be in the Christmas spirit and be nice to everyone today – even Councillor Booth.

In answer to your question, when I was interviewed by the Scottish Government regarding the low emission zones and clean air in Scotland I made it clear that as a Council we

would not have the resources to be able to bring in these zones. Unless we had the resources from the Scottish Government we wouldn't be able to do it within our own existing funding and every single meeting I've ever been to I've said that and at the workshop, that there's no way that this can happen without us getting funding from the Scottish Government. For people who haven't seen the answers, the officers have met on a number of occasions with officials of the Scottish Government to ensure that we can work together. It's not just us, but all the other cities as well, we're working together to have a common way forward to get cleaner air within all of our cities and I will check again but we don't have any indication regarding funding yet.

## QUESTION NO 5

**By Councillor Booth for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 15 December 2016**

### **Question**

When does the Council intend to establish an air quality management area (AQMA) at Salamander Street to address non-compliance with Scottish pollution targets for PM10s?

### **Answer**

The Council is currently discussing further monitoring and mitigation measures with key players and partners including Forth Ports and SEPA with a view to declaring the AQMA early in 2017. Information on these proposals which include Salamander Street is contained in an Air Quality Update report which will be presented to the Transport & Environment Committee on 17 January 2016.

### **Supplementary Question**

Thank you Lord Provost. I thank the Convener again for her answer which for the benefit of the webcam was specifically about air pollution in Salamander Street in Leith which is in my own ward. The answer said that there is a high concentration of a particulate pollutant called PM10s, which is particular matter of a certain size, in Salamander Street and the Council is considering setting up an air quality management area in Salamander Street which would be a new air quality management area. I thank the Convener for her answer.

Can she just clarify when this matter comes before the Committee in January, will the recommendation of the officers be that an air quality management area will be set up?

### **Supplementary Answer**

Thank you for the question. As I understand it with the draft report I've seen, yes, officers will be recommending that we bring Salamander Street into the air quality management area zone and obviously it will be up to the elected members to decide on whether that's the direction they wish to go in.

## QUESTION NO 6

**By Councillor Burgess for answer by the Convener of the Health, Social Care and Housing Committee at a meeting of the Council on 15 December 2016**

### Question

What action is the Council taking to ensure that the number of long term empty homes in the city is significantly reduced?

### Answer

In September 2012 an Empty Homes Task Force, with representation from all political groups and key partners, was established in response to Capital Coalition Pledge 10, to investigate ways to bring empty private sector homes in the city back into use. Since September 2014 this pledge has been considered as part of the Housing Pledges Working Group.

An Empty Homes Pilot Project began in February 2015. The case management approach established during the pilot project is being continued. Officers are currently managing 55 empty homes cases, the majority of which are long term empty homes. Since February 2015, 36 empty homes have been brought back into use or are in the process of being brought back into use.

The number of empty homes in Edinburgh accounts for 3.1% of the overall homes in the city, the same as the Scottish average (NRS data June 2016). At 30 November 2016, 995 homes are currently subject to the double Council Tax penalty charge\*.

In 2015/16 the average time to re-let empty Council homes was 23 days, which puts Edinburgh in the top quartile of performance compared to other local authorities. The Scottish average for local authorities was 42 days.

\*Properties that have lain empty for over 12 months may be charged double council tax. Some exemptions apply e.g. long term hospital stay or imprisonment.

[http://www.edinburgh.gov.uk/info/20111/discounts\\_and\\_exemptions/112/unoccupied\\_property](http://www.edinburgh.gov.uk/info/20111/discounts_and_exemptions/112/unoccupied_property)

**Supplementary  
Question**

Thank you Lord Provost. For the benefit of people watching the webcast, I asked what action the Council is taking to ensure the number of long-term empty homes in the City is significantly reduced and the answer sets out what the Council is doing. Lord Provost, according to Scottish Government statistics, the number of private sector homes in Edinburgh which are empty for more than 6 months is 4,997 in 2016, just slightly short of 5,000. Those are 5,000 homes which in use could make a massive difference to the housing supply in the City, easing pressure on green belt and green field sites alike. Comparing trends over time is difficult because of the Council tax changes in 2013/14 which caused a lot of long term empty properties to be re-classified, but since all Councils face the same challenges we can compare Edinburgh to the rest of Scotland and see that between 2012 and 2016, the number of empty homes in the Capital has risen at a rate three times higher than Scotland as a whole.

Lord Provost, despite setting up a working group several years ago, Edinburgh Council has not got on top of the empty homes problem and the opportunities it presents. While other Councils have been recruiting dedicated staff and creating new systems and innovative ways of tackling empty homes Edinburgh has recently stood down its dedicated empty homes officer just when it was starting to build momentum. So I'd like to ask the new housing deputy Convener whether she would be prepared to look at this issue again in the remaining months of this Council?

**Supplementary  
Answer (by  
Councillor  
Griffiths)**

Thank you for your question. Yes I am very happy to look at the need for an empty homes officer. I agree with you that the number of empty homes could make a massive difference in the lack of affordable housing we have in the City so I'm certainly willing to look at that.



## QUESTION NO 7

**By Councillor Main for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 15 December 2016**

### Question

In November 2016 the Corporate Policy and Strategy Committee agreed to receive a number of child refugees to be agreed from the Calais camps.

Can an update on the numbers and progress to date be provided?

### Answer

Following the Corporate Policy and Strategy Committee's decision, the Council offered places for the immediate resettlement of Unaccompanied Asylum Seeking Children displaced following closure of the Calais refugee camp. A small group of children took up these places on 30 November and are settling in. Their status is 'looked after and accommodated' under the provisions of Scottish legislation.

Some additional places were offered by the Council, should they be required, however, the indication is that these will not be taken up in the immediate future.

The Council, alongside other Scottish local authorities, is continuing to engage with COSLA and the Home Office with a view to participating in a national UASC dispersal scheme. Finalisation of this scheme awaits the resolution of a number of legal issues relating to the transfer of looked after children between England and Scotland.

### Supplementary Question

Thank you Lord Provost and I thank the Convener for his answer. For the benefit of the webcast I asked about settlement of child refugees. I am now pleased that a small group of children are safely in Edinburgh and are being well looked after, but it's hard to believe as the reply indicates, that Edinburgh's offer to take more children will not be taken up in the immediate future.

Would he agree with me that the Home Office and the UK

Government appear to be dragging their heels and this is widely acknowledged, putting as many obstacles as they can in the path of those who wish to give refuge to children seeking asylum a future, and a home in the UK?

Edinburgh, I believe, wants to welcome more refugees, and wants to welcome more unaccompanied children seeking asylum. So can he shed any light on how it can be, with so many Calais children still in the 60 centres across France, with 5,000 spontaneous child refugees in the south of England and a further 3,000 vulnerable children without parents, presenting in the UK, how can it be that Edinburgh's offer is not needed at this time and can he explain whether the Scottish Government and the UK Government have yet managed to agree how and who will fund the settlement of child refugees?

**Supplementary  
Answer**

I thank Councillor Main for her supplementary. I can't control what Westminster and Governments do, what I can say is that Edinburgh's doing everything we can. Spokespersons were briefed on what we're doing, we've welcomed a small number of people, the door in Edinburgh is open to take in more but that's been held up at COSLA discussions with the Home Office and the Scottish Government. Only this afternoon Directors of Education will be having another discussion at COSLA trying to resolve the problems that they've got, but our message here in Edinburgh is that people are welcome and we'll do all that we can to take more asylum seekers into the City.

**QUESTION NO 8**

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 15 December 2016**

**Abandoned Vehicle on Tram Tracks**

**Question**

Regarding the report of a car found abandoned on tram tracks at Haymarket Station on 5<sup>th</sup> December 2016 could the Convener advise why it took an hour and forty minutes to remove the car and whether she deems this an acceptable level of service?

**Answer**

A vehicle was reported as being abandoned on the tram tracks at Haymarket Sidings to Police Scotland by Edinburgh Trams Control Room at 04:15 on 5 December 2016.

Police Scotland Timeline:

04:21 – call logged on Police Scotland System. Incident Number: 05.12.2016 294

05:00 – Police Scotland officers on-site

05:00 – 05:18 – Police Scotland officers assessing the vehicle and attempting to contact the registered owner

05:18 – Police Scotland contact 911 Recovery to get abandoned vehicle uplifted

06:00 (just prior to) – 911 Recovery uplift and impound abandoned vehicle

While this incident caused only minimal delays to early hours tram services, I am concerned at the length of time it took to remove the vehicle and this is something which I have previously raised with both Police Scotland and Transport officials. I have again asked Senior Transport officers to raise this matter with appropriate Police Scotland colleagues with a view to ensuring that any future similar problems are resolved as quickly and effectively as possible.

**Supplementary  
Question**

Thank you Lord Provost, I thank the Convener for her response. I wondered, was the time scale in which the tram was removed, was that within the agreed contract that we have, that was drawn up at the time of the implementation of the tram?

**Supplementary  
Answer**

For the people who are listening, the question was about a time that it took for a car abandoned on the tram tracks at Haymarket in the early hours of the morning and the answer is that it was an unacceptable time, so just for the webcast.

If Councillor Mowat had maybe perhaps asked beforehand, I don't have those details but I'd be happy to pass it forward to her. If she wants to put it in writing and get a formal answer for her.

**QUESTION NO 9**

**By Councillor Aitken for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 15 December 2016**

**Street Lighting Repairs**

**Question** (1) How many broken streetlights/columns are waiting for the required maintenance?

**Answer** (1) There are currently 1581 streetlights requiring maintenance and 315 columns to be replaced.

**Question** (2) If there is a backlog, what are the reasons for this?

**Answer** (2) The figure of 1581 streetlights requiring maintenance is in line with historic levels at this time of year.

A lengthy Scotland wide legal challenge to procurement delayed the sourcing of replacement columns throughout the country. An additional £1m was allocated to accelerate the programme for replacing Test Failed Columns. Due to the legal issue mentioned above, this funding has been carried forward and lighting columns are currently being sourced now that that this challenge has been resolved.

**Question** (3) What is the average waiting time for a repair?

**Answer** (3) The waiting time for repair varies. There are 4 different categories of repair. These are:

Category 1 – 4 hours

Category 2 – 24 hours

Category 3 – 5 days

Category 4 – 28 days

The category is assigned following consideration of a number of factors including the type of repair, the number of dark lights and the location.

**Question** (4) What is the date of the oldest outstanding repair?

**Answer** (4) The oldest outstanding repair is to replace a lighting column, first recorded 4 April 2014 and was affected by the procurement issue mentioned above. Replacement columns are now being sourced.

**Question** (5) How are repairs being prioritised?

**Answer** (5) As detailed above, when enquiries/faults are reported, the categorisation system is used. Category 1 is the most urgent and relates to life and limb situations, for example unsafe columns following a road traffic accident or bare wires.

**Supplementary Question** Thank you Lord Provost and I thank the Convener for her response. Given that the legal challenge affected a repair over two and an half years ago, it means that other residents will have been waiting a significant and quite lengthy time for repairs and replacements to their street lighting as well. The residents who have contacted me are concerned about the lack of street light especially over the winter and also because of the spate of house breaking that we've been experiencing. So I'm heartened to hear that this legal challenge has now been resolved and that £1m has been carried over and the funding is still there.

So will the Convener ensure that the outstanding repairs and replacements are carried out as soon as possible?

**Supplementary Answer** Again for people who perhaps are listening, the question was about street lighting repairs and particularly regarding maintenance but also columns that need to be replaced. There has been as you said a long, protracted, Scottish wide issue, and I think all parties were supportive of the £1m extra investment in replacement and I'm pleased so therefore yes, obviously I will take up the issue and perhaps get an answer to you directly, giving an update in terms of how we're trying to deal with the outstanding repairs.

## QUESTION NO 10

**By Councillor Main for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 15 December 2016**

### Question

There are growing concerns in the school community about the pressures on support available to children with additional support needs who are in mainstream education. Pupils may require support for a range of reasons, including autism, disability and home language.

Would the Convener please provide for each year since 2012, the number of primary and secondary school pupils and that number as a percentage of total school roll who have additional support needs, excluding pupils whose first language is not English and who receive language support, for each school together with the numbers of audit hours given to each school to meet the needs of these children and young people.

### Answer

I regret it is not possible to provide the level of detail requested without further detailed analysis of records which will take some time to prepare.

However, the overall picture is presented in the Performance and Planning Reports to the Education Children and Families Committee. The most recent report, December 2015 documents an established upward trend in the % of pupils with significant additional support needs. The most recent figure of 21% is consistent with the Scottish average.

	Total Pupils	With ASL needs	% of School Population
2011/12	43,376	7,374	17%
2012/13	44,768	8,506	19%
2013/14	46,915	9,383	20%
2014/15	46,448	9,754	21%

Over the period in question there has been a growth in the funding for additional support needs and special schools to take into account the growth in the population.

Funding for Additional Support for Learning and Special Schools 2010-15

	2010/11 Annual Approved Budget	2011/12 Annual Approved Budget	2012/13 Annual Approved Budget	2013/14 Annual Approved Budget	2014/15 Annual Approved Budget
Support in mainstream including ASL Service	£16.1m	£16.4m	£16.4m	£16.6m	£17.2m
Special Schools	£15.5m	£15.9m	£16.6m	£16.6m	£17.6m

**Supplementary Question**

For the benefit of those watching the webcast I asked for some information of the number of children in our schools with what is commonly understood as additional support needs. The response states that it is not possible to provide the level of detail requested without further detailed analysis. Sadly, the only information supplied was available publicly a year ago and it is misleading in that the numbers supplied include 5,046 children who receive language support, over 3,000 children who receive no report and only gives information up to 31 March 2015.

Why are the total numbers of children who have additional support needs in our schools for last year even, to 31 March not available, some nine months after the year end?

To manage the support services effectively the Council surely needs to know what the numbers are. Without them it's hard to understand what control and oversight management and members can have of this situation.

Does the Convener agree with me that this is not acceptable and will he agree to bring a report to the next Education, Children and Families Committee so that members can be reassured that the extent of the number of children with additional support needs is known and that support is sufficient and appropriate?



**Supplementary  
Answer**

I thank Councillor Main for her supplementary. I think as it says we can provide this information, it just takes some to gather that.

There will be a report presented to the March, Education, Children and Families Committee which will identify performance reports and that can be included in that. If there are particular schools that you are concerned about you just need to let me know and I can provide that information to you.

## Item no 5.1

### QUESTION NO 1

**By Councillor Main for answer by the Convener of the Education, Children and Families Committee at a meeting of the Council on 26 January 2017**

#### **Question**

Would the Convener please provide for each year since 2012, the number of primary and secondary school pupils and that number as a percentage of total school roll who have additional support needs that is classed as language support for whose first language is not English, for each school together with the numbers of hours per week of additional support staff provided to each school for these children and young people.

#### **Answer**

## Item no 5.2

### QUESTION NO 2

By Councillor Mowat for answer by  
the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 26 January 2017

#### Bin Collection Calendars

**Question** (1) Why have full calendars detailing bin collection dates not been prepared and put on the website as at 11<sup>th</sup> January 2017?

**Answer** (1)

**Question** (2) When will these calendars be put up on the website?

**Answer** (2)

**Question** (3) What has caused the delay in devising the calendar?

**Answer** (3)

## Item no 5.3

### QUESTION NO 3

**By Councillor Burgess for answer by the Convener of the Regulatory Committee at a meeting of the Council on 26 January 2017**

#### **Question**

For each year since 2012, detail: the number of private landlords registered in Edinburgh; the number refused registration; the number removed from the register as a result of not meeting standards; the number fined for being unregistered; and the number issued with rent penalty notices

#### **Answer**

## **Item no 5.4**

### **QUESTION NO 4**

**By Councillor Bagshaw for answer  
by the Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 26 January 2017**

#### **Question**

What progress is being made with the Council's commitments to the Charter of Brussels that 10% of all trips and 15% of journeys to work should be by bicycle by 2020

#### **Answer**

## Item no 5.5

### QUESTION NO 5

**By Councillor Corbett for answer by the Convener of the Economy Committee at a meeting of the Council on 26 January 2017**

#### **Question**

What action has been taken to implement the City Council's Town Centres Strategy and what impact has there been on a) town centre vacancy rates; b) diversity of local and independent retailers; and c) public perception of local town centres.

#### **Answer**

## Item no 5.6

### QUESTION NO 6

By Councillor Rust for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 26 January 2017

#### Winter Maintenance

- Question** (1) For how long have there been issues with customer enquiries which have been submitted via the Winter Maintenance portal?
- Answer** (1)
- Question** (2) What steps are being taken to address this problem?
- Answer** (2)
- Question** (3) How many outstanding cases remain?
- Answer** (3)

## Item no 5.7

### QUESTION NO 7

By Councillor Heslop for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 26 January 2017

#### UK and Scottish Governments' Carbon Reduction Commitment Scheme

**Question** (1) When will the Convener next give an update on the progress made by the City of Edinburgh Council's contribution to the UK and Scottish Governments' Carbon Reduction Commitment scheme, especially in relation to Council owned properties and how this is currently being monitored?

**Answer** (1)

**Question** (2) When will the next report on Edinburgh's Climate Change Adoption Action Plan be published?

**Answer** (2)



## Item no 5.8

**QUESTION NO 8**

**By Councillor Heslop for answer by  
the Convener of the Planning  
Committee at a meeting of the  
Council on 26 January 2017**

### **Planning and Building Standards Portal**

**Question**

Can you advise as to how many discussions you have had with officials and what action has been taken regarding the continual failure of the Planning and Building Standards Portal to provide up to date data on planning applications and its accessibility via the Internet?

**Answer**

## Item no 5.9

### QUESTION NO 9

By Councillor Rose for answer by the  
Leader of the Council at a meeting of  
the Council on 26 January 2017

#### Tram Inquiry

*On 20<sup>th</sup> August 2015, Council delegated certain responsibilities in relation to the Edinburgh Tram Inquiry to the Chief Executive. It was further agreed 'that, wherever possible, decisions that would incur a cost in excess of £10,000 should be agreed by the Chief Executive. . . in consultation with the Council Leader and Deputy Council Leader. . . .'*

- Question** (1) On how many occasions have decisions been taken that would incur a cost in excess of that figure?
- a) In consultation with the Council Leader and Deputy Leader.
  - b) Where it has not been possible to make such consultation
- Answer** (1)
- Question** (2) How much has been spent on Edinburgh Tram Inquiry costs?
- Answer** (2)
- Question** (3) Please provide a breakdown.
- Answer** (3)

## Item no 5.10

**QUESTION NO 10**

**By Councillor Rose for answer by the  
Convener of the Transport and  
Environment Committee at a meeting  
of the Council on 26 January 2017**

### Open Data

**Question**

Is the online open data record of the siting of waste collection points kept up to date? If not, what steps are being taken to maintain an accurate record?

**Answer**

## Item no 5.11

### QUESTION NO 11

By Councillor Rose for answer by the  
Convener of the Finance and  
Resources Committee at a meeting  
of the Council on 26 January 2017

#### Sickness Absence

Absence through sickness has increased from the annual average of 4.51% in April 2014 to 5.18 in October 2016. That is equivalent to one day lost for every nineteen and a half days worked or around 700 members of staff off at any one time.

**Question** (1) What are the top five reasons for sickness absence?

**Answer** (1)

**Question** (2) Can the sickness absence rise be attributed to the Transformation project and its effects?

**Answer** (2)

**Question** (3) What action is currently being taken to support those returning to work?

**Answer** (3)

**Question** (4) What is the council doing to ensure sickness absence reduces?

**Answer** (4)



January 2017

### 2050 Edinburgh City Vision



Since the launch of the 2050 Edinburgh City Vision project last September, we have had a fantastic response from individuals and businesses on the type of city we want Edinburgh to be in the future.

This isn't a Council vision, but a vision for the city. Council officers' role is to facilitate and support this conversation. We asked three simple questions: What is great about Edinburgh now? What could be better? What should the city be like in the year 2050?

From the responses we have had to date, four key themes have emerged: that Edinburgh in 2050 should be CONNECTED, INSPIRED, FAIR and THRIVING. How does that feel to you; does it resonate with your view of Edinburgh?

We still want to hear your thoughts and ideas so if you haven't already, please have your say at [edinburgh.org/2050](http://edinburgh.org/2050) and on social media using [#Edinburgh2050](https://twitter.com/Edinburgh2050).

---

### Positive progress for Waste Action Plan

I was delighted to see progress being made to improve our Waste and Cleansing service, thanks to a comprehensive action plan developed by staff in the department.

Since its launch in November, the [Waste and Cleansing Improvement Plan](#) has seen a reduction in missed collections and an increase in street cleansing enquiries addressed within timescale.

While these results are promising, there is still a long way to go, and we're really focusing our resources to achieve outstanding actions. What's more, the successful Our Edinburgh campaign will continue to roll out across the city, tackling anti-social behaviour like fly-tipping and litter-dropping by generating pride in our surroundings.

The initiative has already seen a 52% rise in the amount of litter binned in the Grassmarket in its first phase and, in its second, exposed more than 50% of Leith Walk businesses who do not properly dispose of their waste.

---

### Lights, camera, action... visitors!

"Edinburgh seems to have been built as a film set" – or so said Capital-born cinema legend Sir Sean Connery. And with the hotly anticipated world premiere of T2 Trainspotting happening right here this coming weekend, Edinburgh's stealing the limelight on the big screen once again.

As a resident, it's very exciting seeing your own city on the silver screen, or to catch a glimpse of actors and extras in costume ready to shoot scenes for hit historical drama Outlander – as I and many of my colleagues have done on our way to work recently!

Having top movies and TV programmes filmed here is also a huge draw for visitors, and Edinburgh is fast becoming a must-visit 'set-jetting' destination – testament to our commitment to making the Capital as 'film-friendly' as possible.

With the prospect of another major comic book blockbuster joining the hundreds of movies and programmes shot in Edinburgh each year, it's clear our great city's decision to become one of the first UK cities to adopt a Film Charter was clearly a wise one.

---

### Air Quality: a challenge for us all

Poor air quality is one of the biggest challenges all cities face – and Edinburgh is no different. While I welcome [recent figures](#) demonstrating that our concerted efforts to reduce air pollution are having a positive impact, there's far more we can and must do.

We're working with our partners and the Scottish Government to make sure we're taking the best and most appropriate actions to improve Edinburgh's air quality and I'm delighted that we've won cross-party support on the Council for our multi-stranded approach.

Now it's about keeping up the momentum and harnessing this shared commitment so that we make the Capital's air quality – and quality of life – as good as it can possibly be. All of us can play our part and small changes to your routine, such as walking to work or taking the tram to the shops, can make a real difference.

## Another festive success

Edinburgh's Hogmanay [countdown to 2017](#) proved to be one of the busiest yet with 75,000 revellers at the famous Street Party, Old Town Ceilidh and Concert in the Gardens headlined by Paolo Nutini. The 'midnight moment' was beamed all over the world and visitors joined us from 80 different countries.

Alongside Edinburgh's Christmas, these celebrations are a fantastic success story for the city, contributing close to £241.5m to the local economy and cementing Edinburgh's reputation as a top winter destination.

These events have blossomed in recent years and are well placed to continue doing so without the need for as much funding support from the Council. Our priority will, of course, continue to be ensuring best value for the city while retaining Edinburgh's position as a fantastic winter destination in this milestone year.

---

## A milestone year for the Festival City

In 2017, we celebrate the 70th anniversary year of Edinburgh, 'The Festival City'. Every summer, the details of the city's packed festival programmes are hotly anticipated and this year is sure to offer something extra special.

We have committed additional support to ensure this will be an extra special year and it has already got off to a fantastic start. If you can't wait until March – when most programmes are set to be released – [watch the 70<sup>th</sup> anniversary teaser](#) from Festivals Edinburgh: a nostalgic look at art, comedy, dance, theatre, film and the spoken word at many of our festivals over the years.

---

## Stay in the picture

Keep yourself in the picture with our [news section online](#). If you wish to unsubscribe please [email](#) us. Watch live full Council and some committee meetings on our [webcast](#). Join the debate on Twitter [#edinwebcast](#)

[Follow us on twitter](#)

Watch on our [webcast](#)

[Follow us on Facebook](#)



• EDINBURGH •  
THE CITY OF EDINBURGH COUNCIL

# The City of Edinburgh Council

10.00am, Thursday, 26 January 2017

## The Edinburgh and South East Scotland City Region (ESESCR) Deal

Item number	8.1
Report number	
Executive/routine	Executive
Wards	All

### Executive Summary

---

Following announcement in the 2016 Budget from the Chancellor of the Exchequer on pursuing a City Region Deal for Edinburgh and South East Scotland, and the subsequent confirmation of ongoing negotiations in the recent Autumn Statement, discussions between partners and both Governments have continued.

City Region Leaders have established a Shadow Joint Committee to oversee the City Region Deal Programme. This includes representation from the local authorities, and from the university and business sectors.

A series of workshops with Government took place over the summer of 2016 at which the partners presented outline propositions. A further round of discussions during December 2016 ensured a more detailed examination of the potential areas for investment.

The partners are working with Government towards achieving an announcement of Heads of Terms of the City Region Deal in Spring 2017.

### Links

---

Coalition Pledges [CP8, CP9, CP15, CP17, CP21, CP28, CP30, CP31](#)

Council Priorities [reducing poverty, inequality and deprivation; providing for Edinburgh 's prosperity](#)

Single Outcome Agreement [SO1](#)

## The Edinburgh and South East Scotland City Region (ESESCR) Deal

### 1. Recommendations

---

- 1.1 It is recommended that the Council:
  - 1.1.1 Notes the continued progress of the City Region Deal since the previous update to Council in [June 2016](#), including the establishment of a Shadow Joint Committee for the City Region Deal programme;
  - 1.1.2 Notes the further development of investment propositions shaped around a twin focus on innovation and inclusion;
  - 1.1.3 Notes the ambition to achieve an agreed Heads of Terms document by the Spring 2017; and
  - 1.1.4 Notes the requirement for a potential match funding allocation.

### 2. Background

---

- 2.1 At its meeting in [December 2014](#), the Economy Committee agreed to contribute initial resources to support the development of an outline business case for a City Region Deal Infrastructure Fund, in partnership with East Lothian, Fife, Midlothian Scottish Borders and West Lothian councils. Further resources were committed in [April 2015](#) (Economy Committee) and [May 2015](#) (Corporate Policy and Strategy Committee) to enable a more detailed proposition to be developed. This was submitted to the UK and Scottish Governments in September 2015, with further iterations in December 2015, April 2016 and October 2016.
- 2.2 A paper was considered by the City of Edinburgh Council in [June 2016](#) when the formation of a Joint Committee for the City Region Deal programme was approved, to agree the priorities for the City Region Deal that form the basis of negotiations with the UK and Scottish Governments. It was also noted that a financial contribution would be required from the City of Edinburgh Council.
- 2.3 In 2016, the then Chancellor of the Exchequer, announced that Government will be pursuing a City Region Deal for Edinburgh and South East Scotland. This commitment was confirmed by the incoming Chancellor in his 2016 Autumn Statement. Negotiations have been ongoing with the Scottish Government, the UK



Government and the local authorities since Terms of Reference for a Deal were agreed in March 2016, and partners are now working towards Heads of Terms being agreed by Spring 2017.

- 2.4 The City Region Deal aims to accelerate the region's rate of economic performance by a twin focus on innovation and inclusive economic growth. A wide-ranging programme of investment is envisaged, with low carbon and skills programmes cutting across all interventions.
- 2.5 A number of freedoms and powers are also being sought in the proposition being discussed with both governments, as well as proposing delivery governance.

### **3. Main report**

---

- 3.1 The purpose of this paper is to provide an update on the progress towards achieving a City Region Deal for Edinburgh and South East Scotland and to agree to the recommendations in Section 1.

#### **Governance and strategic focus**

- 3.2 At its meeting on 30 June 2016 Council agreed to the establishment of a Joint Committee for the purpose of developing a City Region Deal. This Committee includes representation from both the university and business sectors and is meeting monthly to help shape the Deal and support the negotiations with government.
- 3.3 As outlined in the previous report to Council, the role of the committee will be fourfold as the Deal progresses: to determine strategic focus; to agree investment priorities; to oversee planning and implementation activity; and to monitor impact.
- 3.4 The establishment of a new city region Business Leadership Council is also being considered, to bring together representatives from across the private sector to play a full role across the City Deal development and delivery process.

#### **Innovation and Inclusion**

- 3.5 The City Region Deal proposition has been further shaped around two mutually exclusive pillars for investment: Innovation and Inclusion.

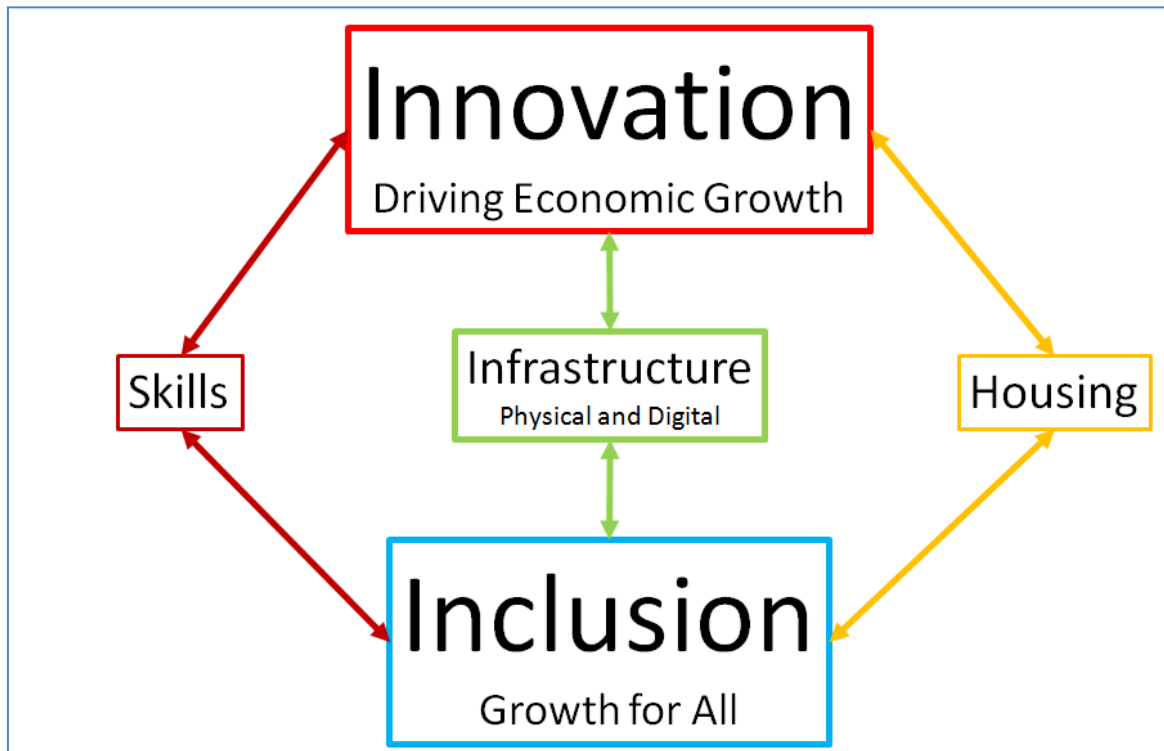


Figure 1 – The ESESCR Deal Proposition

### *Innovation*

3.6 The City Deal focus on Innovation has investment at its heart and, as previously reported to Council, will seek to tackle the underlying barriers to market-led investment and enterprise, through inter-connected innovation centres. The region's distinctive strengths lie primarily in health and life sciences, data, robotics, and in low carbon driven innovation.

3.7 Enhanced links between university-based research and the private sector are to be delivered, and these will take place through physical co-location and new co-investment models. But the system will also focus on: public sector innovation and service reform; engagement with the skills system from schools to technical education to advanced study; and the importance of Place and sustainable Place Making as a core factor in attracting and retaining talent. Complementary investment in infrastructure will ensure access to and within our innovation centres.

### *Inclusion*

3.8 The ambition is to see all parts of the region sharing in economic success. The City Region Deal is focusing on measures to reduce inequalities and make the region more inclusive through investment in skills, housing and infrastructure. The impact on inclusive growth is a key measure that is being considered in the prioritisation of proposals.

### ***Skills and employability***

- 3.9 The City Region Deal will help invest in skills amongst the current and future labour force to drive up productivity of labour and ensure that the region's residents are equipped with the skills to meet emerging labour market demand and opportunity. Skills are a critical area with demand outstripping supply in some sectors, and bold new approaches are required. Propositions are targeted at addressing this issue.
- 3.10 A regional skills plan will be agreed to support the City Region Deal and link to the Innovation propositions. The aim is to create an integrated multi-agency regional employability and skills 'escalator', with devolved funding arrangements. This will help people facing labour market exclusion into entry level employment; put in place in work up-skilling incentives at scale; and support a pipeline of indigenous and global talent ensuring we can meet growing demand for high-level graduate skills that the region's high-technology industries need.

### ***Affordable housing programme***

- 3.11 Central to the inclusion agenda is the issue of housing. Edinburgh has one of the most expensive regional housing markets in the UK and rebalancing the housing market is fundamental to delivering inclusion in the region. There is an urgent need to accelerate the supply of affordable and mid-market housing if the housing market is not to act as a drag on the region's labour market, by more than doubling housing delivery rates.
- 3.12 The programme is also being designed to have a direct link to the Innovation activity, identifying cutting-edge technologies to develop highly-connected, low carbon and energy efficient houses. This scale of housing delivery requires innovative approaches to manufacturing and construction materials, which can make South East Scotland a centre for innovation and manufacturing in new housing. The housing programme has the potential to create an estimated 11,000 sustainable jobs and deliver significant investment in skills and development programmes.
- 3.13 The proposal also looks to on-lend to Council backed housing companies delivering low cost market rented homes. Expanding the supply of good quality low cost market rent housing across the region is an essential requirement for meeting the housing needs of key workers and those on low to middle incomes who cannot access home ownership and are not a priority for social rent.
- 3.14 The ambition to establish a Regional Land Commission has already been reported. This would accelerate the pipeline of deliverable sites for housing across the region. Partners would include: all regional local authorities The Scottish Government; public bodies such as the Scottish Fire and Rescue

Service, NHS, Police Scotland; universities and colleges; and UK Government departments and executive agencies.

### ***Infrastructure***

- 3.15 Infrastructure is critical to competitiveness and inclusion across the region. Connectivity, both physical and digital, is a key component of driving up productivity and in delivering on the social objectives in improving access to employment for those parts of the region with low income and poor access to jobs. Transport will need to play a key role in linking those areas in the region to the opportunities created. The City Region Deal focus is on maximising the capacity of the region's existing infrastructure, addressing capacity constraints and enhancing public transport and active travel provision.
- 3.16 For Edinburgh, the investment to ensure the infrastructure at the International Business Gateway can be forward funded and set the highest standards of sustainability is a key priority.

### ***Creative / cultural proposition***

- 3.17 Edinburgh is one of the most desirable tourist destinations in Europe. Around 4 million visitors a year inject £1.3bn in to the economy each year, which in turn creates a significant number of jobs and economic output. Edinburgh acts as the gateway to Scotland, with around 60% of visitors spending time in the capital before seeing other parts of the country. The world-class cultural offer is also a vital stimulus for the region's wider creative and service industries and its attractiveness to knowledge-based workers, businesses and students.
- 3.18 The offer centres on Edinburgh's 12 major festivals, which have unrivalled international appeal, and the year-round cultural infrastructure (providers and venues) which enable the festivals to thrive. This requires significant ongoing investment to retain Edinburgh's pre-eminent Festival City status. Without it, the Capital risks being left behind by other competitor cities and failing to capitalise on the skills, innovation and inclusive growth potential of this key asset.
- 3.19 The City Region Deal creative / cultural proposition has been shaped around three areas: funding to further develop a creative industries hub linked to the redevelopment of University of Edinburgh facilities at Lauriston Place; a proposal to create a new world-class arts centre in the heart of Edinburgh; and enhanced investment in destination marketing, festivals and cultural infrastructure, potentially through a Transient Visitor Levy or a suitable alternative fiscal mechanism.

### ***Low carbon***

- 3.20 The City Region Deal proposes a wide-ranging programme of investment with low carbon embedded within it. The region has distinctive strengths in low carbon innovation and the deal provides an opportunity to further exploit this, ensuring

alignment with ambitious propositions relating to skills development, house building and infrastructure.

- 3.21 Furthermore, by developing the potential to export to rapidly growing global markets, the sector can contribute to accelerating economic growth at a national level.

### **Impact**

- 3.22 The City Region Deal programme represents an ambitious approach to accelerating and future-proofing inclusive growth across the region. The proposed investments align clearly with national priorities identified within the Scottish Government's Economic Strategy, and with targets included in the National Performance Framework. The UK Government has announced the development of an Industrial Strategy which is likely to focus on clear sector strengths and highlight the importance of investing in the areas which have most potential to grow.

### **Next steps**

- 3.23 Negotiations continue with the UK and Scottish Governments on each of the investment programmes. A second series of workshops was completed during December and early January. Follow up work is underway and discussions will continue on the detailed propositions into February 2017 with the aim of the partners being able to agree Heads of Terms by spring 2017.

## **4. Measures of success**

---

- 4.1 The success of projects will be measured and assessed by an agreed approach between the UK and Scottish governments and the partners. This is likely to include indicators to determine the increase in productivity and decrease in inequalities arising from the investments.

## **5. Financial impact**

---

- 5.1 Financial arrangements for agreeing a City Region Deal remain subject to negotiation. Based on other agreed City Deals, it can be assumed that partners will contribute between 10% and 30% of total project costs. In addition, an element of City Deal grant funding may be provided on a "payment by results" basis, with partners required to fund project costs and related financing in advance of grant receipt. The exact nature of the funding models is currently under negotiation.
- 5.2 Further work will need to be carried out to determine the actual contribution required from the Council as this will depend on the projects approved and associated funding models. A report will be presented to a future Council meeting, setting out the financial implications of the deal, prior to the agreement of Heads of Terms.

## **6. Risk, policy, compliance and governance impact**

---

- 6.1 There is currently limited information on the approach to risk for the City Region Deal; this may be shared between local authorities at a programme level or be held by individual authorities on a project by project basis.
- 6.2 The region requires a long term programme of sustained capital investment to tackle existing issues such as congestion that constrain growth as well as open up opportunities to remain internationally competitive. Without this investment programme, there is a risk that the city region loses out on investment by the private sector and reduces its current contribution to the UK and Scottish economies. There is a further risk that the current situation where many residents in the region lack the opportunity to share in the region's economic prosperity does not change.
- 6.3 All City Deals require authorities participating to demonstrate a strong, local and accountable governance structure that includes each of the authorities participating in the Deal. The proposed governance has been approved by Council but further work is required to develop this.

## **7. Equalities impact**

---

- 7.1 All propositions aim to reduce inequalities across the city region. Inclusive Growth is one of the Scottish Government's four priority areas in its Economic Strategy. The integrated regional skills programme will work to ensure that all residents throughout the region have the ability to share in future success

## **8. Sustainability impact**

---

- 8.1 A City Region Deal would provide a mechanism to help drive forward investment in sustainable place making. It will be developed in line with the city's stated ambition to advance a sustainable economy. A holistic approach to sustainable growth is at the heart of the City Region Deal.

## **9. Consultation and engagement**

---

- 9.1 A stakeholder engagement strategy has been developed within the PMO function of the City Region Deal partnership.
- 9.2 Ongoing discussions on the composition and scope of City Region Deal have been held over the past two years with city region local authorities, the UK and Scottish Governments and agencies, and key regional stakeholders in the business and third sectors.

## 10. Background reading / external references

---

- 1 "[City Growth and Infrastructure Investment](#)" – report to the Economy Committee on 18 December 2014
- 2 "[Edinburgh and South East Scotland City Region City Deal](#)" – report to the Economy Committee on 28 April 2015
- 3 "[Edinburgh and South East Scotland City Region City Deal](#)" – report to Corporate Policy and Strategy Committee on 12 May 2015
- 4 "[The Edinburgh and South East Scotland City Region \(ESESCR\) Deal](#)" – report to The City of Edinburgh Council on 30 June 2016

### Paul Lawrence

Executive Director of Place

Contact: Alison Muckersie, Service Manager

E-mail: [alison.muckersie@edinburgh.gov.uk](mailto:alison.muckersie@edinburgh.gov.uk) | Tel: 0131 469 3967

## 11. Links

---

### Coalition pledges

CP 8 Make sure the city's people are well-housed, including encouraging developers to build residential communities, starting with brownfield sites

CP 9 Work in partnership with Scottish Government to release more funds for council homes for rent

CP15 Work with public organisations, private sector and social enterprise to promote Edinburgh to investors

CP 17 Continue efforts to develop the city's gap sites and encourage regeneration

CP 21 Consult further on the viability and legality of a transient visitor levy

CP 24 Maintain and enhance support for our world famous festivals and events

CP 28 Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the City

CP 30 Continue to maintain a sound financial position including long term financial planning

CP 31 Maintain our city's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure

### Council Priorities

- [reducing poverty, inequality and deprivation](#)
- [providing for Edinburgh 's prosperity](#)

### Single Outcome Agreement

SO1 Edinburgh's economy delivers increased investment, jobs, and opportunities for all

10am, Thursday, 26 January 2017

## Designation of Chief Education Officer

Item number 8.2  
Report number  
Executive/routine  
Wards

### Executive Summary

---

This report asks Council to approve the designation of the post of Head of Schools and Lifelong Learning as the Chief Education Officer in line with the statutory requirement of the [Education \(Scotland\) Act 2016](#).

### Links

---

Coalition Pledges [P1](#)  
Council Priorities [CP1, CP2, CP3, CP7](#)  
Single Outcome Agreement [SO3](#)



## Designation of Chief Education Officer

### 1. Recommendations

---

- 1.1 To approve the designation of the post of Head of Schools and Lifelong Learning as Chief Education Officer.
- 1.2 To appoint Andy Gray as Chief Education Officer.
- 1.3 To note that amendments to the Scheme of Delegation to Officers to reflect the changes to statutory regulations within the [Education \(Scotland\) Act 2016](#) will be required and will be submitted to the Council in due course.

### 2. Background

---

- 2.1 The [Education \(Scotland\) Act 2016](#) requires that local authorities must appoint a Chief Education Officer to advise the authority on the carrying out of the authority's functions under this Act and any other enactment.

- 2.2 Part three section 25 of the Act:

After section 77 of the 1980 Act insert—

*“Appointment of Chief Education Officer*

#### **Appointment of Chief Education Officer**

(1) An education authority must appoint an officer to advise the authority on the carrying out of the authority's functions under this Act and any other enactment.

(2) An officer appointed under subsection (1) is to be known as the Chief Education Officer.

(3) An officer appointed under subsection (1) must have—

(a) such qualifications as may be prescribed by regulations made by the Scottish Ministers, and

(b) such experience as the authority considers appropriate in relation to the carrying out of the advisory function mentioned in that subsection.

(4) In subsection (1), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

### **3. Main report**

---

- 3.1 The post of Head of Schools and Lifelong Learning is already required to fulfil a statutory role in relation to education.
- 3.2 There is no requirement under the Act to create an additional new post within existing management structures.
- 3.3 The post of Head of Schools and Lifelong Learning is therefore the most appropriate existing senior role to carry the designation of Chief Education Officer.

### **4. Measures of success**

---

- 4.1 The Authority continues to meet its obligations under the Act.

### **5. Financial impact**

---

- 5.1 There are no financial implications as a result of this report.

### **6. Risk, policy, compliance and governance impact**

---

- 6.1 The Scheme of Delegation to Officers will be revised to reflect the regulations within the [Education \(Scotland\) Act 2016](#) .

### **7. Equalities impact**

---

- 7.1 There are no equalities impacts as a result of this report.

### **8. Sustainability impact**

---

- 8.1 There is no direct sustainability impact as a result of this report.

### **9. Consultation and engagement**

---

- 9.1 Consultation was undertaken by the Scottish Government.

### **10. Background reading/external references**

---

- 10.1 [Education \(Scotland\) Act 2016](#)

## **Alistair Gaw**

Acting Executive Director of Communities and Families

Contact: Alistair Gaw, Acting Executive Director of Communities and Families

E-mail: [Alistair.Gaw@edinburgh.gov.uk](mailto:Alistair.Gaw@edinburgh.gov.uk) | Tel: 0131 469 3322

## **11. Links**

---

<b>Coalition Pledges</b>	CP1 Ensuring every child has the best start in life
<b>Council Priorities</b>	1 Children and young people fulfil their potential 2 Improved health and wellbeing: reduced inequalities 3 Right care, right place, right time 7 Access to work and learning
<b>Single Outcome Agreement</b>	SO3 Edinburgh's children and young people enjoy their childhood and fulfil their potential
<b>Appendices</b>	

10.00am, Thursday, 26 January 2017

## Governance: Scheme of Delegation to Officers

**Item number** 8.3  
**Report number**  
**Executive/routine**  
**Wards**

### Executive summary

---

Following Council approval of a revised Scheme of Delegation to Officers (“Scheme”) on 13 December 2012, the Scheme has continued to be reviewed regularly to ensure that it remains fit for purpose. Since the last review of the Scheme in February 2016, there have been further changes to the Council’s executive management structure. The Scheme requires to be updated to reflect these changes and this report sets out a new draft Scheme for approval to reflect the realignment of responsibilities.

### Links

---

**Coalition pledges**  
**Council priorities**  
**Single Outcome Agreement**

## Governance: Scheme of Delegation to Officers

### Recommendations

---

- 1.1 To repeal the existing Scheme of Delegation to Officers and approve in its place the draft Scheme set out in the appendix to this report, such repeal and approval to take effect from 27 January 2017.
- 1.2 To delegate authority to the Chief Executive to take such actions and make such minor adjustments to the draft Scheme set out in the appendix to this report as may be necessary in order to implement the decision of Council in relation to this report.

### Background

---

- 2.1 The Council is required to have a Scheme of Delegation to Officers by virtue of the Local Government (Scotland) Act 1973. The Scheme is the mechanism for the Council to delegate the authority to perform certain functions to officers and also fulfils the legislative requirements to set out a list of the functions of the Council that are carried out by officers.
- 2.2 On 8 November 2016, the Corporate Policy and Strategy Committee approved a revised Chief Officer structure in the Place Directorate. The Scheme needs to be updated to reflect the revised structure. The proposed new Scheme is set out in the appendix to this report.

### Main report

---

- 3.1 The revised Chief Officer structure in Place Directorate merged the role of Executive Director of City Strategy and Economy with the role of Executive Director of Place. The current roles in the Place Senior Management Team have been deleted and replaced with the roles of Head of Place Development and Head of Place Management.
- 3.2 The Scheme currently delegates planning functions to the Head of Planning and Transport. As part of the revised structure, the designation of Chief Planning Officer was added to the remit of an existing role to ensure independent officer leadership of the Planning function.
- 3.3 Throughout the Scheme amendments have been made to reflect the revised structure and the realignment of responsibilities. The agreed realignments now reflected in the draft Scheme are summarised as follows:

<b>Formerly</b>	<b>Now</b>
Executive Director of City Strategy and Economy	Executive Director of Place
Head of Planning and Transport	Service Manager – City Wide Planning (Chief Planning Officer)

- 3.4 In addition, the Chief Education Officer has been added to the section covering the delegation of powers to the Executive Director of Communities and Families.
- 3.5 None of the proposed changes represent substantive changes to the scope of the present authority delegated to officers as a whole.
- 3.6 All of the proposed changes are tracked in the draft Scheme set out in the appendix to this report.

## **Measures of success**

---

- 4.1 Compliance with legislation and accountable, transparent decision-making.

## **Financial impact**

---

- 5.1 There are no financial implications as a result of this report.

## **Risk, policy, compliance and governance impact**

---

- 6.1 It is good governance to maintain an annual review of the Council's key operational governance documents.
- 6.2 The Scheme of Delegation reflects the revised organisational structure.

## **Equalities impact**

---

- 7.1 There are no direct equalities impacts as a result of this report.

## **Sustainability impact**

---

- 8.1 There is no direct sustainability impact as a result of this report.

## **Consultation and engagement**

---

- 9.1 The Scheme of Delegation was the subject of extensive consultation with officers and elected members at the time of the Council-wide governance review

undertaken by the Director of Corporate Governance in 2012. The Scheme has been updated regularly since then to ensure it remains fit for purpose. The proposed changes reflect the recent changes in organisational structure without increasing the scope of delegated authority to officers of the Council.

## Background reading/external references

---

[Executive Management Structure – Scheme of Delegation to Officers, The City of Edinburgh Council – 4 February 2016](#)

[Place Directorate Proposed Changes to Chief Officer Structure, Corporate Policy and Strategy Committee – 8 November 2016](#)

### Andrew Kerr

Chief Executive

Contact: Kirsty-Louise Campbell, Interim Head of Strategy and Insight

E-mail: [Kirstylouise.campbell@edinburgh.gov.uk](mailto:Kirstylouise.campbell@edinburgh.gov.uk) | Tel: 0131 529 3654

Contact: Gavin King, Committee Services Manager

E-mail: [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) | Tel: 0131 529 4239

## Links

---

**Coalition pledges**

**Council priorities**

**Single Outcome  
Agreement**

**Appendices**

Draft Scheme of Delegation to Officers

**CITY OF EDINBURGH COUNCIL**  
**SCHEME OF DELEGATION TO**  
**OFFICERS**



## Contents

	<u>Page</u>
<b>1. GENERAL</b>	<b>4</b>
Scheme	4
Principles of delegation	5
<b>2. CONSULTATION WITH ELECTED MEMBERS</b>	<b>6</b>
Politically controversial matters and material decisions	6
Local members	6
Responsibility to inform	6
Reports	6
<b>3. DELEGATION</b>	<b>7</b>
Delegated authority	7
Material decisions	8
Major Projects	9
Contracts Standing Orders	10
<b>4. DELEGATION TO CHIEF EXECUTIVE</b>	<b>10</b>
<b>5. DELEGATION TO CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS</b>	<b>12</b>
<b>6. DELEGATION TO THE EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES</b>	<b>12</b>
<b>7. DELEGATION TO THE EXECUTIVE DIRECTOR OF RESOURCES</b>	<b>13</b>
<b>8. DELEGATION TO THE CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP</b>	<b>13</b>
<b>9. DELEGATION TO THE EXECUTIVE DIRECTOR OF PLACE</b>	<b>13</b>
<b>10. DELEGATION TO THE SERVICE MANAGER CITY-WIDE - PLANNING (CHIEF PLANNING OFFICER)</b>	<b>13</b>
<b>Appendix 1 – General Delegation to Chief Executive and Executive Directors</b>	<b>14</b>
<i>Funds, contracts and property</i>	14
<i>Proper officers</i>	14
<i>Legal</i>	14
<i>Staff</i>	15
<i>Health and Safety</i>	17
<i>Health and Wellbeing</i>	17
<i>Use of land and buildings</i>	17
<i>Regulation of investigatory powers</i>	17
<i>Renewal of grants to voluntary organisations</i>	18
<i>Hospitality</i>	18
<i>Write off</i>	19
<i>Access to information</i>	19
<i>Consultations</i>	19
<i>Grant offers</i>	19
<i>Council companies</i>	19
<b>Appendix 2 – Delegation to the Executive Director of Communities and Families</b>	<b>20</b>
<i>Education</i>	20
<i>Social Work</i>	23
<i>Sport</i>	28
<i>Libraries</i>	29

<b>Appendix 3 – Delegation to the Executive Director of Resources</b>	<b>30</b>
<i>Legal</i>	30
<i>HR &amp; Organisational Development</i>	30
<i>Finance</i>	30
<i>Customer</i>	31
<i>Investment and Pensions</i>	33
<i>Corporate Property</i>	33
<i>Shared Repairs</i>	36
<b>Appendix 4 – Delegation to the Chief Officer - Edinburgh Health and Social Care Partnership</b>	<b>37</b>
<i>All service users</i>	37
<i>Community Care</i>	39
<b>Appendix 5 – Delegation to the Executive Director of Place</b>	<b>43</b>
<i>Notices and Orders</i>	43
<i>Roads</i>	43
<i>Traffic</i>	48
<i>Housing and Regeneration</i>	52
<i>Licensing</i>	55
<i>Community safety, environmental, consumer protection and registration etc.</i>	58
<i>Parks and Greenspace</i>	64
<i>Waste Services</i>	65
<i>Building Standards</i>	68
<i>Floods, Reservoirs and Coasts</i>	68
<i>City Strategy and Economy</i>	72
<i>Culture</i>	72
<i>Public Safety</i>	74
<b>Appendix 6 – Service Manager City-Wide - Planning (Chief Planning Officer)</b>	<b>75</b>
<i>Planning policy</i>	75
<i>Planning applications etc.</i>	76
<i>Enforcement action</i>	78
<i>Landscape</i>	80
<i>Appeals</i>	81
<i>Legal Agreements</i>	81
<i>Miscellaneous</i>	81
<i>Flooding</i>	82
<b>Appendix 7 – Statutory functions and Statutory officers</b>	<b>83</b>
<b>Appendix 8 – Proper Officer functions</b>	<b>85</b>
<b>Appendix 9 – List of legislation</b>	<b>87</b>

**CITY OF EDINBURGH COUNCIL**  
**SCHEME OF DELEGATION TO OFFICERS**

**GENERAL**

**Scheme**

- 1.1 This Scheme of Delegation to Officers ("**Scheme**") applies from 4 February 2016 and sets out the powers delegated by the City of Edinburgh Council ("**Council**") to officers, pursuant to the Local Government (Scotland) Act 1973. The Scheme is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
- 1.2 The powers delegated to officers in terms of this Scheme are subject to change by act of Council in accordance with the Standing Orders of the Council.
- 1.3 The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers, and stating the title of the officer who exercises that power. The lists of powers are set out in this Scheme.
- 1.4 In this Scheme:
- (a) a reference to "**Executive Director**" means any of the Executive Directors of the Council or the Chief Officer - Edinburgh Health and Social Care Partnership (and "**Executive Directors**" shall be interpreted accordingly);
  - (b) a reference to a statute or statutory provision:
    - (i) is a reference to it as amended, extended or re-enacted from time to time; and
    - (ii) shall include all subordinate legislation made from time to time under that statute or statutory provision;
  - (c) any reference to this Scheme shall include the appendices to the Scheme ("**Appendices**" and each an "**Appendix**");
  - (d) a reference to "**Council Policies**" shall include all and any policies approved by the Council from time to time (and "**Council Policy**" shall be interpreted accordingly);
  - (e) references to paragraphs are to paragraphs of this Scheme; and

- (f) headings are for convenience, do not form part of this Scheme and shall not be used in its interpretation.

### **Principles of delegation**

1.5 Officers to whom power is delegated in terms of this Scheme must exercise their powers in accordance with the following principles:

- (a) the decision or action must not be a matter ("**Reserved Matter**"):
  - (i) reserved by law to the Council or a Committee or sub-committee of the Council ("**Committee**"); or
  - (ii) that the Council or a Committee has expressly determined should be discharged otherwise than by an officer;
- (b) the decision or action must not alter or be contrary to law or to policy set by the Council and its Committees;
- (c) the decision or action must be taken in accordance with the Council's Standing Orders as amended from time to time;
- (d) the decision or action must be taken in accordance with the Financial Regulations and Corporate Debt Policy as amended from time to time and comply with the financial limits set out in those documents;
- (e) the financial consequences of the decision or action must be contained within the budget approved by Council for the financial year in question;
- (f) the decision or action must not give rise to a conflict of interest as set out in the Council's code of conduct for employees; and
- (g) elected members must be appropriately consulted and, in particular, officers must comply with the provisions of paragraph 2 of this Scheme.

1.6 If there is a question or dispute on whether a decision taken or proposed to be taken by an officer contravenes the provisions of this Scheme, it will be decided by the Chief Executive in consultation with the Leader of the Council (or the deputy Leader if the Leader is absent).

1.7 Each Executive Director shall have authority to take all decisions or actions necessary to implement a policy approved by or a decision previously taken by

the Council or a Committee or which facilitate or are conducive to the implementation of such a policy or decision.

## 2. **CONSULTATION WITH ELECTED MEMBERS**

### **Politically controversial matters and material decisions**

2.1 Where a decision or action proposed to be taken under delegated powers is likely to be regarded as politically controversial or is a decision ("**Material Decision**") that will have or is likely to have:

- (a) a significant effect on financial, reputational or operational risk; and/or
- (b) a significant impact on service delivery or performance;

the appropriate elected members will be consulted before any decision or action is taken. Appropriate elected members will include the relevant convener or vice-convenor(s) and, where appropriate, the Leader and/or deputy Leader.

### **Local Members**

2.2 Where a decision or action relates to a particular ward or wards (and not to the whole area of the Council) and is likely to directly affect the ward interests of a local member or members, those members will be consulted before any decision or action is taken (save in the case of matters of a routine or confidential nature).

### **Responsibility to inform**

2.3 It is the responsibility of the Chief Executive or relevant Executive Director to keep the elected members of the Council appropriately informed about activity arising within the scope of the delegated authority under this Scheme.

### **Reports**

2.4 The Council or any Committee may require the Chief Executive or Executive Directors to submit reports on the decisions taken and action authorised by them under delegated authority. The Chief Executive or relevant Executive Director shall submit a report in relation to any Material Decision to Council or the appropriate Committee.

### 3. **DELEGATION**

#### **Delegated authority**

- 3.1 The Council delegates authority for certain powers or functions to the Chief Executive, Executive Directors and heads of service as detailed in this Scheme.
- 3.2 In the event that the Chief Executive or Executive Director is unavailable, his/her deputy or the head of the relevant service will have delegated authority to take urgent decisions in the absence of the Chief Executive or Executive Director.
- 3.3 The Chief Executive and Executive Directors may sub-delegate their delegated powers to their deputy or head(s) of service or such other officer(s) in their service area as they may consider appropriate. Each officer to whom powers are delegated may sub-delegate to such other officers in their service area as they may consider appropriate. This will be in each case the officer of an appropriate level of seniority who is most closely involved with the matter in question. The Chief Executive and Executive Directors will remain accountable for decisions taken by their sub-delegates.
- 3.4 Sub-delegation of functions by any officer to another officer in accordance with this Scheme will not prevent the officer from whom the authority is being delegated from also discharging those functions.
- 3.5 Where authority has been sub-delegated by one officer to another in accordance with this Scheme, such authority can be revoked at any time without prejudice to any previous decisions made under that authority.
- 3.6 Certain functions ("**Statutory Functions**") must, by law, be carried out by certain statutory officers. The Council delegates authority to those statutory officers ("**Statutory Officers**") to carry out the Statutory Functions. A list of the Statutory Functions and the Statutory Officers can be found in Appendix 8.
- 3.7 The authority delegated to the Chief Executive and Executive Directors in terms of this Scheme shall not include any Statutory Function, which shall be exercised by the appropriate Statutory Officer.
- 3.8 Legislation requires that certain functions be exercised by a "**proper officer**". This Scheme sets out Council officers who are designated as proper officers in relation to particular functions. An officer who is designated as a proper officer by this Scheme may also designate in writing other officer(s) in his or her service

area to exercise his or her functions as proper officer. Such designation can be revoked at any time by the designating officer without prejudice to any previous actions taken under that designation. Designated proper officers are set out in paragraph 5 of Appendix 1, paragraph 21 of Appendix 7 and in Appendix 9.

- 3.9 Appropriate records must be kept of any sub-delegations of powers made under the Scheme.

### **Material Decisions**

- 3.10 Notwithstanding the terms of any delegation of authority to Executive Directors or other officers in terms of this Scheme, all Material Decisions shall be taken in consultation with the Corporate Leadership Team (“**CLT**”). It is intended that this will engender greater transparency; foster a collegiate culture of collective decision-making among chief officers; and ensure proper corporate oversight, scrutiny and challenge of Material Decisions.
- 3.11 It is the responsibility of each Executive Director or other officer to whom powers are delegated to consider whether a decision or action in relation to a matter delegated to him/her is a Material Decision and in the case of an officer other than an Executive Director, to bring it to the attention of the relevant Executive Director. The relevant Executive Director will bring any Material Decision to the next available meeting of the CLT.
- 3.12 In the case of any Material Decision that relates to a Statutory Function, the provisions of paragraphs 2.1 and 3.12 of this Scheme shall be without prejudice to the legal duties and responsibilities of the relevant Statutory Officer.
- 3.13 The provisions of paragraph 3.12 of this Scheme shall be without prejudice to the principles of delegation set out in paragraph 1.5 of this Scheme and the requirement to consult with elected members set out in paragraph 2.1 of this Scheme.

## **Major Projects**

3.14 The following projects ("**Major Projects**") shall be dealt with as set out in paragraph 3.15 of this Scheme:

- (a) any project which has an estimated value of £5 million or more; or
- (b) any other corporate project the Chief Executive shall, in consultation with the CLT and the Convener or vice-Convener of the Finance and Resources Committee, so designate.

3.15 In order to ensure effective governance and delivery of Major Projects, a Corporate Programme Office will:

- (a) oversee all Major Projects to ensure they are initiated appropriately, and independently assess elements of the Major Projects including:
  - (i) options appraisal;
  - (ii) affordability;
  - (iii) implementation;
  - (iv) resource planning;
  - (v) sustainability;
  - (vi) equalities;
  - (vii) environmental impact; and
  - (viii) stakeholder engagement;
- (b) provide ongoing support to Major Projects through key stage or gateway reviews, management dashboard reporting, post completion reviews and tracking benefits realisation; and
- (c) update the CLT and the Finance and Resources Committee on the status and progress of Major Projects.



### **Contracts Standing Orders**

3.16 Any officer to whom relevant authority is delegated in terms of this Scheme must comply with the terms of the standing orders which apply to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council and/or for the provision of services ("**Contract Standing Orders**").

3.17 Any officer to whom relevant authority is delegated shall have regard to:

- (a) the Council's procurement handbook; and
- (b) any guidance issued by the Council in relation to the appointment of consultants;

in each case, as amended from time to time.

### **4. DELEGATION TO CHIEF EXECUTIVE**

4.1 As head of paid service the Chief Executive has overall responsibility for the corporate management and operational functions of the Council that are delegated to officers under this Scheme. The Chief Executive is authorised to discharge any function or exercise any power delegated to any officer under this Scheme.

4.2 In addition, the Council authorises the Chief Executive to:

- (a) take action to ensure that the Council's responsibilities and duties under the Civil Contingencies Act 2004 and other emergency planning, business continuity and resilience legislation are discharged;
- (b) take any urgent action necessary in the event of a civil emergency, business continuity or resilience incident;
- (c) act as Returning Officer for local government elections, Westminster elections, Scottish Parliament elections, European elections and Business Improvement District elections under sections 25 and 41 of the Representation of the People Act 1983;
- (d) act as Counting Officer for referendums held in terms of the Political Parties, Elections and Referendums Act 2000;

- (e) perform the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, including:
  - (i) appointing authorising officers;
  - (ii) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining confidential information; and
  - (iii) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults;
- (f) monitor the Council's compliance with information compliance legislation, including the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;
- (g) monitor the management of Council records in line with the provisions of the Public Records (Scotland) Act 2011;
- (h) approve expenditure on civic hospitality in accordance with Council Policy;
- (i) supervise and manage offenders subject to community orders or released from prison (or in similar circumstances) including:
  - (i) reports for courts and hearings (excluding children);
  - (ii) probation orders;
  - (iii) community payback orders;
  - (iv) community service;
  - (v) supervised attendance orders;
  - (vi) drug treatment and testing orders;
  - (vii) orders under section 57 of the Criminal Procedure (Scotland) Act 1995;
  - (viii) diversion from prosecutions;
  - (ix) parole, or other supervised conditional release from prison;

(x) provision of advice, guidance and assistance if requested by a person released from prison or detention within the previous 12 months; and

(xi) throughcare services for serving and released prisoners;

(j) provide advice, guidance and assistance to a person who is arrested and detained in police custody, or on whom sentence is deferred in terms of section 27ZA of the Social Work (Scotland) Act 1968; and

(k) take steps to ensure the Council complies with its duties to co-operate with the Scottish Minister and community justice authorities when carrying out its functions in accordance with sections 1 and 10 to 12 of the Management of Offenders etc. (Scotland) Act 2005.

## **5. DELEGATION TO THE CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS**

5.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Executive and each Executive Director shall have delegated authority to manage all human, financial and other resources within his/her service area, including those functions set out in Appendix 1.

## **6. DELEGATION TO EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES**

6.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Communities and Families, or the Chief Social Work Officer, or the Chief Education Officer where relevant, shall have delegated authority to exercise the schools, early years, children's social work services, childcare, community services, libraries and sport functions including those set out in Appendix 2.

7. **DELEGATION TO EXECUTIVE DIRECTOR OF RESOURCES**

7.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Resources shall have delegated authority to carry out all finance, investment and pensions, organisational development, customer, legal, risk, corporate property, facilities management and shared repairs functions of the Council including those set out in Appendix 3.

8. **DELEGATION TO CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL CARE PARTNERSHIP**

8.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Chief Officer - Edinburgh Health and Social Care Partnership, or the Chief Social Work Officer where relevant, shall have delegated authority to exercise the social work, social care and social welfare functions of the Council including those set out in Appendix 4, except to the extent that those functions are delegated by Council to the Integration Joint Board.

9. **DELEGATION TO EXECUTIVE DIRECTOR OF PLACE**

9.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Executive Director of Place shall have delegated authority to carry out all powers and responsibilities associated with the Council's housing and regeneration, housing support, community safety, environmental health, scientific services, trading standards, licensing, registration, advice services, parks, waste management and disposal, street cleaning, grounds maintenance, economic development, public safety, culture, corporate fleet management and maintenance, community transport, building standards, transport planning, roads management and maintenance, flood prevention, reservoir and coastal functions including those set out in Appendix 5.

10. **DELEGATION TO SERVICE MANAGER CITY-WIDE - PLANNING (CHIEF PLANNING OFFICER)**

10.1 Subject to the provisions of paragraphs 1 to 3 of this Scheme, the Service Manager City-Wide - Planning (Chief Planning Officer) shall have delegated authority to exercise the planning functions set out in Appendix 6.

## **APPENDIX 1**

### **GENERAL DELEGATION TO CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS**

These are the functions referred to in paragraph 5 of the Scheme:

#### **Funds, contracts and property**

1. spending money and managing their budgets in accordance with Council approved resource allocations and with the Financial Regulations;
2. subject to any policies and/or directions issued by the Executive Director of Resources:
  - (a) transferring funds between headings within their approved revenue budgets;
  - (b) transferring funds between capital projects included in the capital budgets for their service;provided that (1) the Executive Director of Resources is informed of the transfer and (2) the transfer does not affect revenue or capital budgets for future years;
3. entering into, terminating, varying, suspending or extending contracts subject to compliance with the Council's Contract Standing Orders;
4. declaring property or land surplus to requirements, including one-off blocks of flats and main door properties;

#### **Proper officers**

5. acting as proper officer in terms of any provisions of the Local Government (Scotland) Act 1973, the Requirements of Writing (Scotland) Act 1995 and generally any local government legislation and signing all deeds and other documents which require to be sealed with the Common Seal of the Council or are binding on the Council;

#### **Legal**

6. settling legal actions and claims in consultation with the Head of Legal and Risk;

7. initiating, entering into, defending and withdrawing from legal proceedings in consultation with the Head of Legal and Risk;

**Staff**

8. appointing employees within agreed staffing levels up to but excluding Heads of Service;
9. appointing an acting head of service from the staff of the Council when a head of service is absent or the post is vacant;
10. conducting disciplinary and grievance proceedings for employees in accordance with the Council's approved policy and procedures;
11. authorising staff attendance at training courses, conferences, seminars and other developmental activities;
12. changing staffing structures, numbers and gradings in accordance with approved job evaluation arrangements, with the exception of major staffing reviews, provided that such changes comply with guidelines issued by the Executive Director of Resources;
13. remedying inconsistencies in pay or conditions of service in conjunction with the Executive Director of Resources;
14. deciding the following personnel matters in accordance with approved schemes and/or guidance issued by the Executive Director of Resources (or, in the case of teaching staff, by the Executive Director of Communities and Families):
  - (a) approval of paid or unpaid leave for special circumstances, secondment, or leave to work or visit abroad;
  - (b) entering into compromise or settlement agreements with staff in relation to their employment with the Council in consultation with the Head of Legal and Risk, and subject also to consultation with the appropriate convener;
  - (c) save in the case of an Executive Director, where the decision shall be reserved to the Finance and Resources Committee, making decisions in relation to the Local Government Pension Scheme membership (including, for example, early

payment of pensions, late transfers, late applications to pay optional pensions contributions, augmented membership, additional pensions, and fraud/forfeiture cases);

- (d) extension of sickness allowance;
- (e) recovery of maternity pay;
- (f) closure of buildings in emergency or exceptional circumstances and early closure during the festive season;
- (g) approval of application for car loans in consultation with the Executive Director of Resources;
- (h) approval of transfer of annual leave;
- (i) approval of overtime;
- (j) approval of applications for secondary employment;
- (k) authorisation of payments for lectures, speeches etc. to external organisations;
- (l) determination of claims of up to £250 for damage to or loss of the personal property of employees in consultation with the Executive Director of Resources;
- (m) payment of removal expenses and allowances;
- (n) payment of car users' allowances;
- (o) authorisation of telephone allowances;
- (p) placement of employees on appointment on a point within a grade or grades applicable to the posts;
- (q) establishment and filling of fixed term posts in accordance with the relevant Council Policy; and
- (r) appointment of apprentices on completion of indentures;

### **Health and Safety**

15. implementing the Council's Health and Safety Policy and arrangements;

### **Health and Wellbeing**

16. implementing the Council's Health and Wellbeing Policy and arrangements;

### **Use of land and buildings**

17. approving, subject to compliance with any approved scheme of charges, the use by appropriate organisations, bodies or persons of land and premises owned, occupied or managed by the Council (including land managed on behalf of the Common Good);

18. regulating access to, and conduct of persons on property owned, occupied or managed by the Council, including (1) eviction, ejection and expulsion from property and (2) the application and enforcement of management rules under sections 112 and 116 of the Civic Government (Scotland) Act 1982 as approved by the Council from time to time;

19. approving the temporary closure of property owned, occupied or managed by the Council to:

- (a) ensure the safety of Council staff or members of the public;
- or

- (b) undertake essential planned maintenance,

subject to consultation with the appropriate convener or vice-convener and local elected members and insertion of a public notice in the press informing the public of the closure when relevant;

### **Regulation of investigatory powers**

20. performing the Council's functions under the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000 in accordance with Council policy, with the exception in the case of the Executive Directors of the following functions which are reserved to the Chief Executive:



- a) appointing authorising officers;
- b) authorising directed surveillance or the use of a covert human intelligence source which involves the likelihood of obtaining 'confidential' information; and
- c) authorising the use of covert human intelligence sources in relation to juveniles or vulnerable adults.

### **Renewal of grants to voluntary organisations**

21. approving applications for the renewal of grants up to £25,000, from properly constituted voluntary organisations which meet the Council's eligibility criteria, provided that:

- (a) any increase in the amount of the grant renewal payment from the previous year does not exceed the lesser of (a) 30% of the payment from the previous year or (b) £5,000;
- (b) the decisions taken under this paragraph are reported by the relevant officer every year to the appropriate Committee;
- (c) the grant renewal will not be used wholly or mainly to pay for permanent staff (unless the grant renewal is a payment to playgroups or a service purchasing arrangement under the National Health Service and Community Care Act 1990);
- (d) any relevant local members are informed and consulted where it appears that an application for grant renewal directly affects their ward's interests; and
- (e) a relevant local member has not applied to the relevant officer, within 14 days of being advised of the proposed grant renewal, requesting that the decision is referred to the appropriate Committee;

### **Hospitality**

- 22. approving expenditure on hospitality in accordance with Council Policy;
- 23. approving expenditure on overseas visits by officers in accordance with Council Policy;

### **Write off**

24. writing off or disposing of any stores, plant, furniture, equipment, or any other tangible asset in accordance with the Financial Regulations provided that:

(a) the stores, plant, furniture, equipment or such asset has become unfit for use and unsaleable; and

(b) the decision is made in consultation with the Executive Director of Resources;

### **Access to information**

25. responding to requests for information made to the Council under the Freedom of Information (Scotland) Act 2002; Environmental Information (Scotland) Regulations 2004; INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998;

### **Consultations**

26. responding to consultations from external bodies seeking the input of the Council to the extent necessary to provide any technical, scientific, or other factual information, or professional opinion or analysis of an operational nature;

### **Grant offers**

27. applying for grant funding on behalf of the Council;

28. accepting offers of grant funding on behalf of the Council; and

### **Council Companies**

29. monitoring the performance of each Council company delivering services in his or her service area.

## **APPENDIX 2**

### **DELEGATION TO THE EXECUTIVE DIRECTOR OF COMMUNITIES AND FAMILIES**

*(or, where applicable, the Chief Social Work Officer  
or Chief Education Officer)*

These are the powers referred to in paragraph 6 of the Scheme:

#### **Education**

1. taking steps to discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education) and further education in accordance with section 1 of the Education (Scotland) Act 1980, and in doing so (1) having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standard in Scotland's Schools etc. Act 2000) and (2) endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of the Standard in Scotland's Schools etc. Act 2000);
2. maintaining and equipping schools and other buildings (section 17 of the Education (Scotland) Act 1980);
3. improving the access to premises for the safety of pupils (section 18 of the Education (Scotland) Act 1980);
4. operating arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980);
5. setting school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980);
6. managing placing requests including publishing of information on arrangements in accordance with the provisions of section 28A, and representing the Council at any placing appeal committee in accordance with section 28F, both of the Education (Scotland) Act 1980;

7. enforcing attendance at school, including bringing proceedings against parents in respect of children's non-attendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980);
8. allowing pupils to miss school (section 34 of the Education (Scotland) Act 1980);
9. excluding pupils from school (Regulation 4 of the Schools (General) Scotland Regulations 1975);
10. promoting the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006);
11. awarding bursaries (section 49 of the Education (Scotland) Act 1980);
12. providing transport for pupils and students (section 51 of the Education (Scotland) Act 1980);
13. ensuring copies of education records are available including the ability to set charges (section 4 of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002);
14. awarding Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980);
15. providing school meals (section 53 of the Education (Scotland) Act 1980);
16. providing clothing (section 54 of the Education (Scotland) Act 1980);
17. discharging the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937);
18. licensing stage or theatrical performances by children (Children and Young Persons Act 1963);
19. providing child guidance services (section 4 of the Education (Scotland) Act 1980);
20. referring young people in medically unsuitable employment to the Employment Medical Advisory Service of the Department of Employment;

21. making grants to organisations involved with education;
22. managing or instructing the Executive Director of Resources to lease out Council community centres, working with locally elected Management Committees;
23. application of national circulars regarding service conditions of teaching staff. Where there is a choice of action, the circular will be sent to Committee;
24. providing programmes of adult education;
25. providing or arranging in-service training for staff;
26. providing the education authority's representatives on the Appointment Committees for all Head Teachers,
27. providing work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980);
28. operating health and safety checks on work-experience placements;
29. dealing with the use of educational premises for licensed functions;
30. managing the Education Arts Development Programme;
31. specifying the level of service and other relevant details for getting tenders for the School and Welfare Catering Services;
32. negotiating variation orders for changes in the level of School and Welfare Catering services with the approved contractor within the contract price approved by the Council;
33. making awards of up to £5,000 for distribution of Childcare Partnership funds;
34. approving joint working arrangements with other bodies;
35. liaising with the Scottish Government Education & Training Department;
36. carrying out the consultations processes required by the Schools (Consultation) (Scotland) Act 2010;

37. in consultation with the Chief Executive and with the Head of Legal and Risk, receiving notice of, representing the Council and responding to referrals by the Children’s Reporter to the Scottish Ministers under the Children’s Hearings (Scotland) Act 2011;
38. implementing the duties and powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004;

### **Social Work**

39. taking necessary steps to discharge the Council’s duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013 and the Children and Young People (Scotland) Act 2014;
40. arranging for the protection of property of people who have gone into hospital or care as in section 48 of National Assistance Act 1948;
41. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
42. where the carer of a person over 18 years of age is a child under 18 years of age, assisting Health and Social Care staff to assess the carer’s needs and provide information about the assessment as in sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;
43. making direct payments to individuals to allow them to purchase community care services or if they are disabled, to assist them to care for their children under the Social Care (Self-directed Support) (Scotland) Act 2013;
44. making direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children’s services under the Social Care (Self-directed Support) (Scotland) Act 2013;
45. burying or cremating any person who was in the care of, or receiving help from, the Council, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
46. deciding whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or

maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;

47. providing and maintaining whatever residential and other establishments are needed for the Council's functions under Part II of the Children (Scotland) Act 1995;
48. recovering from other local authorities any costs for services provided to people ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
49. authorising the following finance related issues in accordance with the Financial Regulations and in accordance with Council Policies:
  - (a) writing off debts on social grounds or in exceptional circumstances;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500, subject to appropriate consultation with the convener or vice-convener;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (*ex gratia*), where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the convener or vice-convener;
50. providing reports and information to the courts in private law proceedings as in section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995;
51. assessing and recovering contributions for "maintainable" children looked after by the Council as in sections 78 to 82 of the Social Work (Scotland) Act 1968;

52. where there is an assessed need, paying allowances to people who have children and young people residing with them as in section 50 of the Children Act 1975;
53. providing an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007;
54. supervising and providing reports to the court in respect of non-agency adoptions as in sections 17 and 18 of the Adoption and Children (Scotland) Act 2007;
55. taking necessary or facilitative steps to implement arrangements for the adoption of children;
56. providing adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007;
57. approving and paying adoption allowances as in section 71 of the Adoption and Children (Scotland) Act 2007;
58. securing the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984);
59. preparing and publishing a plan for services to children under 8 years of age as in section 19 of the Children Act 1989;
60. preparing and publishing a three year plan for day care services to children in need as in section 19 of the Children (Scotland) Act 1995;
61. publishing information about services for children in need as in section 20 of the Children (Scotland) Act 1995;
62. safeguarding and promoting the welfare of children looked after by the Council and giving them the opportunity to fulfil their potential as in section 17 of the Children (Scotland) Act 1995;
63. safeguarding and promoting the welfare of children in need giving help “in kind or in cash” as in section 22 of the Children (Scotland) Act 1995;



64. minimising the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment as in sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the and the Social Care (Self-directed Support) (Scotland) Act 2013;
65. providing accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it as in section 25 of the Children (Scotland) Act 1995;
66. providing accommodation for young people aged 18 to 21 years of age when to do so would safeguard and promote their welfare as in section 25 of the Children (Scotland) Act 1995;
67. providing accommodation and maintenance for children looked after by the Council as in section 26 of the Children (Scotland) Act 1995;
68. providing day care for pre-school and other children as in section 27 of the Children (Scotland) Act 1995;
69. providing after-care for children (under 21 years of age) who were previously looked after by a local authority as in section 29 of the Children (Scotland) Act 1995;
70. providing financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age as in section 30 of the Children (Scotland) Act 1995;
71. reviewing cases of children looked after by the Council as in section 31 of the Children (Scotland) Act 1995;
72. removing children from residential establishments as in section 32 of the Children (Scotland) Act 1995;
73. accepting responsibility for orders made in respect of children in other parts of the UK where the child is now ordinarily resident in Edinburgh as in section 33 of the Children (Scotland) Act 1995;
74. providing short term refuges where a child may be at risk of harm as in section 38 of the Children (Scotland) Act 1995;

75. making enquiries and providing information to the Principal Reporter to the Children's Panel where children may need compulsory measures of care as in section 60 of the Children's Hearings (Scotland) Act 2011;
76. where a child may be at risk of significant harm, investigating the matter and if need be applying for the following orders:
  - (a) Child Assessment Order (under section 35 of Children's Hearings (Scotland) Act 2011);
  - (b) Child Protection Order (under sections 37 to 39 of Children's Hearings (Scotland) Act 2011);
  - (c) Emergency Child Protection Order (under section 55 of Children's Hearings (Scotland) Act 2011); and
  - (d) Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995);
77. providing reports on children and their social background for a Children's Hearing as in section 66 of the Children's Hearings (Scotland) Act 2011;
78. implementing supervision requirements made by a Children's Hearing under the Children's Hearings (Scotland) Act 2011;
79. in consultation with Chief Executive and with the Head of Legal and Risk, receiving, responding to and representing the Council in respect of all referrals by the Children's Reporter to the Sheriff Principal under the Children's Hearings (Scotland) Act 2011;
80. arranging the emergency move of a child subject to a supervision requirement with condition of residence under the Children's Hearings (Scotland) Act 2011;
81. recommending that a supervision requirement is reviewed by a Children's Hearing under the Children's Hearings (Scotland) Act 2011;
82. where assessed as necessary, applying to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007;

83. applying for variation or revocation of permanence order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007;
84. providing information to the Courts and arranging accommodation for the detention of children being prosecuted for, or convicted of criminal offences as in sections 42, 43, 44, and 51 of the Criminal Procedure (Scotland) Act 1995;
85. making purchases, outside the central purchasing arrangements, for necessary food, clothing and other essential items for children in care of the Council and living within the Council's residential establishments for young people;
86. discharging the Council's duties in relation to children and young people under the Secure Accommodation (Scotland) Regulations 2013;
87. undertaking all activities, powers and duties as the appropriate local authority to do with Parental Orders as provided for in section 13 and in Part 9 of the Antisocial Behaviour etc (Scotland) Act 2004 including:
  - (a) applying for the making of an order or review of an order;
  - (b) supervising parents who are subject to an order and reporting breaches to the relevant court; and
  - (c) providing services and programmes of work or training for parents and generally giving effect to parenting orders.

## **Sport**

88. devising and implementing events and sports programmes;
89. allocating space within sports facilities to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
90. awarding grants from the physical activity and sport grant budgets subject to:
  - (a) a maximum grant on any one project of £5,000 to be reported to the appropriate Committee annually; and

(b) consultation with the appropriate convener and vice-convener;

91. monitoring arms' length organisations which operate Sport facilities or services, or both, on the Council's behalf, including Edinburgh Leisure;

### **Libraries**

92. providing and managing the Council's library services;

93. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);

94. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);

95. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991); and

96. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967).



### **APPENDIX 3**

#### **DELEGATION TO THE EXECUTIVE DIRECTOR OF RESOURCES**

These are the powers referred to in paragraph 7 of the Scheme:

##### **Legal**

1. signing court documents;
2. signing missives, other holograph conveyancing documents and notices and orders relating to compulsory purchase orders;
3. engaging private legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate;

##### **HR & Organisational Development**

4. approving applications for early retiral/voluntary severance payments (including teaching staff) subject to an annual report being submitted to Council;
5. issuing certificates as required for employees to apply to the adjudicator for exemption from political restriction;
6. approving all new career development/salary progression schemes and changes to existing schemes;

##### **Finance**

7. determining all accounting and financial records and procedures of the Council. Where such procedures and records are maintained in a service area other than that of the Executive Director of Resources, the Executive Director shall, before making any determination, consult with the Executive Director of the service area concerned;
8. performing any function on behalf of the Common Good Fund, charitable endowments and any other Council funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice where necessary and reports any actions to Committee;
9. opening, closing and operating bank accounts on behalf of the Council;

10. approving and making payments due to Her Majesty's Revenue and Customs, and Revenue Scotland;
11. reviewing and amending as appropriate the financial limits given in the Financial Regulations every year, in line with the relevant inflation indexes;
12. the pooling and treasury management of all surplus funds under the Council's administration and all executive decisions on the approved treasury management activities subject to compliance with CIPFA's "Code of Practice for Treasury Management in the Public Services" and other relevant professional guidance;
13. all borrowing and lending in accordance with the Treasury Management Policy Statement;
14. providing cash advances as considered appropriate for officers of the Council to defray petty cash, other expenses and any other matters on the administration of imprest accounts;
15. assessing business cases for the taking out of new leases to ensure they are consistent with the securing of best value;
16. effecting insurance cover and negotiating with the Council's insurers for all claims in consultation with other officers where necessary;
17. reviewing annually all insurances in consultation with the other chief officers as appropriate and reporting annually to the convener or vice-convener;
18. approving the rate of interest the Council is required to charge to borrowers with variable interest rate loans;
19. being responsible for all purchasing arrangements as detailed in the Contracts Standing Orders;
20. collecting and where necessary recovering debt, and where appropriate authorising the write-off of debt, in accordance with Council Policies;

**Customer**

21. collecting (and where necessary recovering) council tax as set by the Council in accordance with section 97(1) and Schedules 2 and 8 of the

Local Government Finance Act 1992 and the provisions of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992;

22. issuing demand notices for the collection of rates payable to the Council under section 237 of the Local Government (Scotland) Act 1947;
23. recovering rates under section 247(5) of the Local Government (Scotland) Act 1947, where necessary in consultation with the convener or vice-convener;
24. administering benefits in accordance with the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992;
25. administering council tax reduction scheme in accordance with the Council Tax Reduction (Scotland) Regulations 2012;
26. paying all sums to all creditors subject to the certification and authorisation of the appropriate chief officers;
27. signing the certificates and petitions that the Sheriff Court requires for Summary Warrant applications to collect arrears of Community Charge Non-Domestic Rates, Council Tax and other income;
28. deciding to call-up loans where borrowers have fallen into arrears with their house purchase loans;
29. establishing procedures for considering, authorising and making discretionary housing payments and for the consideration by officers, other than the original decision makers, of appeals against decisions on such applications;
30. implementing nationally agreed pay awards;
31. approving and making payment of:
  - (a) all salaries, wages, compensations and other emoluments to all employees;
  - (b) pension entitlements to former employees; and



- (c) tax and national insurance contributions to Her Majesty's Revenue and Customs;

### **Investment and Pensions**

- 32. implementing strategies and policies agreed by the Pensions Committee including the investment strategy of the pensions funds and performing any function on behalf of the pensions funds which would reasonably be deemed to be investment business provided that the Executive Director takes the appropriate advice;
- 33. implementing pension regulations including the application of discretions as required in accordance with policies approved by the Pensions Committee from time to time;
- 34. appointing, monitoring and reviewing such specialist managers and advisers as are necessary to make sure that the pensions funds' assets are managed effectively;
- 35. determining all accounting, records and financial procedures of the pension funds;
- 36. writing off pension overpayments of up to £3,000 subject to compliance with the appropriate Council Policies;

### **Corporate Property**

- 37. concluding leases, missives of let, licence agreements or extensions of leases and licence agreements or similar on behalf of the Council where:
  - (a) the length of the lease/missive/agreement is no more than five years and the rent (exclusive of VAT) is no more than £50,000 a year; or
  - (b) the length of the lease/agreement is no more than one month;

save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;

38. negotiating, processing and instructing the Head of Legal and Risk to conclude all rent reviews;
39. taking any action to ensure all terms of a lease or licence agreement are enforced, including terminating any lease or agreement and taking whatever action is necessary to effect an eviction where the tenant or licensee has failed to comply with the terms and conditions of the lease or agreement;
40. granting on behalf of the Council 'wayleave' agreements, and concluding missives and leases for sites for sub-stations, gas governors and similar installations for any period whatsoever, with the exception of:
  - (a) wayleaves for gas mains of a diameter greater than 225 mm;
  - (b) grids, oil or chemical pipelines; and
  - (c) overhead transmission lines with a capacity greater than 33,000 volts  
which would only be granted with the Council's consent;
41. granting and obtaining a Minute of Waiver for no more than £50,000;
42. buying and selling property or property rights up to £50,000 when this is required to help in the acquisition or disposal of a more valuable property and the cost can be offset against the acquisition/disposal;
43. permitting a tenant to assign their lease/agreement subject to the Council being in no worse a financial position;
44. buying land or property provided that it has been specifically budgeted for;
45. marketing surplus property for sale or lease and accepting the highest offer subject to being satisfied that this represents market value (if it is proposed that any offer other than the highest received be accepted, or when any offer includes an element of community benefit as set out

in Council Policy then the matter must be considered and approved by the Finance and Resources Committee);

46. agreeing terms for the sale of small plots of land (including land held on the Housing Revenue Account) and instructing the Head of Legal and Risk to conclude the sale, subject to being satisfied that this represents market value, and where:

- (a) the land is existing open space, for example amenity land, landscaping or verges adjoining roads and footpaths;
- (b) the land does not exceed 150 metres<sup>2</sup>; and
- (c) the use of the land would be for garden ground or for any other ancillary residential use;

47. negotiating and instructing the Head of Legal and Risk to conclude the sale of residential properties under "Right to Buy" legislation;

48. where property is held for commercial or economic development purposes doing the following :

- (a) negotiating to dispose of land or property at values up to £250,000;
- (b) negotiating the grant of "minutes of waiver";
- (c) signing all offers on behalf of the Council to let or take on lease properties where:
  - (i) the length of the lease is no more than five years and the exclusive rent is no more than £50,000 a year; or
  - (ii) the length of the lease is no more than one month;save where any lease offer which includes an element of community benefit as set out in Council Policy is received, when the decision shall be referred to Committee;
- (d) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise the properties;
- (e) agreeing to proposed transfers of leases where the Council is landlord, and instructing the Head of Legal and Risk to conclude these;

49. where property is held on behalf of the Common Good, doing the following:

- (a) negotiating the grant of "minutes of waiver" or wayleaves;

- (b) signing on behalf of the Council, as manager, to let properties where:
    - (i) the length of the lease is no more than five years and the exclusive rent is no more than £50,000 a year; or
    - (ii) the length of the lease is no more than one month;
  - (c) negotiating to renew or extend leases where it is uneconomic or unsuitable to advertise these properties;
50. publishing notices of a proposed appropriation or disposal of land in accordance with sections 24(2A) and 27(2A) of the Town and Country (Scotland) Act 1959;
51. negotiating and settling all claims for compensation where property has been purchased by the Council under a compulsory purchase order or requires to be purchased for a scheme or project included within the Council's Capital Investment Programme or where there has been a loss in value of property relating to works carried out by the Council;

### **Shared Repairs**

53. serving notices for repairs, enforcement, carrying out and recovery of costs and expenses in terms of Part 8 of the Civic Government (Scotland) Act 1982 and Part 4 of the Building (Scotland) Act 2003;
54. withdrawing, waiving and relaxing notices issued under Part 4 of the Building (Scotland) Act 2003;
55. responding in emergency situations and carrying out repairs immediately where damage to property or health or safety matters are issues and recovering the costs and expenses of doing so;
56. inspecting properties, serving (as proper officer) and enforcing notices and recovering costs under the Edinburgh District Council Order Confirmation Act 1991; and
57. executing any works necessary for securing, restoring or repairing privately owned properties, and recovery from the owners of the relevant properties of any expenses reasonably incurred by the Council in doing so, all in accordance with the Edinburgh District Council Order Confirmation Act 1991.

**APPENDIX 4**  
**DELEGATION TO THE CHIEF OFFICER - EDINBURGH HEALTH AND SOCIAL**  
**CARE PARTNERSHIP**

*(or, where applicable, the Chief Social Work Officer)*

These are the powers referred to in paragraph 8 of the Scheme:

**All service users**

1. Taking any necessary action on behalf of the Council to ensure that it discharges its duties under the National Assistance Acts, the Disabled Persons (Employment) Act 1958, the Social Work (Scotland) Act 1968, the Chronically Sick and Disabled Person's Act 1970, the Disabled Persons (Services, Consultation and Representation) Act 1986, the National Health Service and Community Care Act 1990, the Criminal Procedure (Scotland) Act 1995, the Adults with Incapacity (Scotland) Act 2000, the Housing (Scotland) Act 2001, the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, the Community Care and Health (Scotland) Act 2002, the Homelessness (Scotland) Act 2003, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Public Services Reform (Scotland) Act 2010, the Social Care (Self-directed Support) (Scotland) Act 2013 or generally any legislation concerning the Council's functions relating to the provision of social care and support services;
2. arranging for the protection of property of people who have gone into hospital or care as in section 48 of the National Assistance Act 1948;
3. maintaining a Complaints Procedure and service as in section 5B of the Social Work (Scotland) Act 1968;
4. making direct payments to individuals to help them purchase community care services as in sections 12B and 12C of the Social Work (Scotland) Act 1968;
5. providing home help and laundry facilities as in section 14 of the Social Work (Scotland) Act 1968;

6. burying or cremating any person who was in the care of, or receiving help from, the Council and so on, immediately before their death as in section 28 of the Social Work (Scotland) Act 1968;
7. deciding whether to pay the expenses of parents, relatives etc. visiting people who are being cared for or maintained in accommodation by the Council, or in attending funerals as in section 29 of the Social Work (Scotland) Act 1968;
8. providing and maintaining whatever residential and other establishments are needed for the Council's functions under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003, in terms of section 59 of the Social Work (Scotland) Act 1968;
9. recovering from other local authorities any costs for services provided to adults ordinarily resident there under the Social Work (Scotland) Act 1968 as in section 86 of the Social Work (Scotland) Act 1968;
10. recovering charges for services provided under the Social Work (Scotland) Act 1968 as in section 87 of the Social Work (Scotland) Act 1968, but subject to directions or regulations under sections 1 to 6 of Community Care and Health (Scotland) Act 2002;
11. providing welfare services for people (including, for example, assistance in arranging the carrying out of any works of adaptation in homes);
12. providing information on Health and Social Care services for people to whom the section applies and any relevant services of other authorities or organisations as in section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
13. making arrangements for facilities for seriously disabled persons for sheltered employment and training as in section 3 of the Disabled Persons (Employment) Act 1958;
14. co-ordinating and overseeing applications for the registration of all services provided by the Council and all related matters as in sections 59, 62 to 75 and 83 to 89 of the Public Services Reform (Scotland) Act 2010;

15. administering the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels;
16. authorising the following finance related issues in accordance with the Financial Regulations and Council Policies:
  - (a) authorise the write-off of debts or charges in the following circumstances:
    - i. incorrect assessment brought to light at later date;
    - ii. where the service user has died and there is no money in the estate;
    - iii. where the service user cannot be traced;
    - iv. in the case of a service dispute where a complaint has been upheld; and
    - v. for social reasons;
  - (b) reimbursing carers and substitute carers for loss or damage (*ex gratia*) of up to £500;
  - (c) reimbursing staff for loss or damage (*ex gratia*) of up to £500;
  - (d) making payments to staff for emergency expenses (*ex gratia*) of up to £50; and
  - (e) reimbursing neighbours and relatives of departmental carers for loss or damage caused by service users (*ex gratia*) of up to £500, where it would be in the interest of the Council to maintain goodwill, subject to appropriate consultation with the relevant convener or vice-convener;

### **Community Care**

17. taking any necessary action on behalf of the Council to ensure that it discharges its duties under the Adult Support and Protection (Scotland) Act 2007, including:
  - (a) making inquiries about a person's well-being, property or financial affairs if it is known or believed that the person is

an adult at risk and that intervention might be needed to protect the person's well-being, property or financial affairs (section 4);

(b) applying to the sheriff for an order which authorises a Council officer to take a specified person from a place being visited (sections 7 and 11);

(c) if recommended by the relevant medical officer, applying for an order to remove to suitable premises a person in need of care and attention (sections 14 to 18); and

(d) applying for a banning order (sections 19 to 34);

18. preparing and publishing a plan for providing community care services in Edinburgh as in section 5A of the Social Work (Scotland) Act 1968;

19. promoting social welfare including giving help "in kind or in cash" where the terms of section 12 of the Social Work (Scotland) Act 1968 are met;

20. safeguarding and promoting the welfare of children in need and giving help "in kind or in cash" as in section 22 of the Children (Scotland) Act 1995;

21. collaborating with individuals and carers to assess their needs and providing information in accordance with sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968;

22. making arrangements with voluntary or other organisations for residential accommodation where nursing is provided for people who appear to need such accommodation as in section 13A of the Social Work (Scotland) Act 1968;

23. approving rates for and contracts for delivery of residential and other services in circumstances where the politically approved pricing policy does not apply;

24. assessing needs of disabled or chronically sick people as in section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986;



25. assisting persons in need in disposal of produce of their work as in section 13 of the Social Work (Scotland) Act 1968;
26. approving waivers or disregards in respect of determining a client's liability for contribution to social care and housing support services provided;
27. approving waivers and disregards in respect of determining a client's liability for contribution to care home (residential/nursing) costs;
28. approving the variation, suspension or termination of contracts with providers in line with the Council's Quality Assurance arrangements for health and social care services;
29. providing or securing the provision of care and support services including residential services for people who are, or have been, suffering from mental disorder as defined in section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
30. providing after-care services for people who are/have been, suffering from mental disorder as in section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
31. appointing Mental Health officers as in section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and supervising the discharge of their statutory responsibilities; and
32. discharging the Council's duties under the Adults with Incapacity (Scotland) Act 2000, including:
  - (a) the following duties within section 10:
    - i. supervising guardians;
    - ii. consulting the Public Guardian and Mental Welfare Commission on matters of common interests;
    - iii. receiving and investigating complaints about welfare attorneys and matters of common interests;

- iv. receiving and investigating complaints about welfare attorneys and guardians; and
- v. providing a guardian, welfare attorney or person authorised under an intervention order when requested; and

(b) the following duties within section 57:

- i. applying to be a guardian of an adult if there is no other suitable adult and managing the property, financial affairs and welfare of that adult in accordance with any order issued by the court in that regard; and
- ii. providing court reports of private applications to be a guardian.



## **APPENDIX 5**

### **DELEGATION TO THE EXECUTIVE DIRECTOR OF PLACE**

These are the functions referred to in paragraph 9 of the Scheme:

#### **Notices and Orders**

1. signing notices and orders about road traffic matters;

#### **Roads**

2. overseeing the general management and maintenance of roads (section 1(1) of Roads (Scotland) Act 1984);
3. adding roads to or taking them off the roads authority's list of public roads (section 1(4) of the Roads (Scotland) Act 1984);
4. advising frontagers of the Council's intention to add to or delete from the list of public roads (section 1(5) of the Roads (Scotland) Act 1984);
5. altering or improving existing or proposed roads that cross public roads (section 12 of the Roads (Scotland) Act 1984);
6. serving notice on frontagers of a private road to make up and maintain that road (section 13(1) of the Roads (Scotland) Act 1984);
7. contributing to, or carrying out work on private roads (section 14(1) of the Roads (Scotland) Act 1984);
8. carrying out emergency work on private roads (section 15 of the Roads (Scotland) Act 1984);
9. determining applications for private roads to become public roads when Road Construction Consents are sought (section 16 of the Roads (Scotland) Act 1984);
10. entering into agreements to take over footpaths in accordance with section 18 of the Roads (Scotland) Act 1984;
11. constructing new roads other than special roads which are considered requisite (section 20(1) of the Roads (Scotland) Act 1984);
12. entering new roads constructed by the local roads authority into the list of public roads (section 20(2) of the Roads (Scotland) Act 1984);
13. granting all road construction applications (section 21 of the Roads (Scotland) Act 1984) except:
  - (a) where there are unresolved objections;
  - (b) when the application is recommended for refusal;  
and

- (c) when an applicant wishes to be heard by the Committee in connection with a conditional consent or refusal that has been recommended;
- 14. serving notices to conform to conditions imposed in a Road Construction Consent (section 21(5) of the Roads (Scotland) Act 1984);
- 15. stopping up or temporarily closing a new road where there is no construction consent or it is not conformed with (section 23 of the Roads (Scotland) Act 1984);
- 16. raising, lowering or altering the level of a public road (section 24 of the Roads (Scotland) Act 1984);
- 17. providing footways for the safety or convenience of pedestrians (section 25 of the Roads (Scotland) Act 1984);
- 18. constructing, lighting and maintaining pedestrian subways under, or footbridges over, the road for the purpose of making the crossing of a public road less dangerous for pedestrians or protecting traffic along the road from danger (section 26 of the Roads (Scotland) Act 1984);
- 19. constructing and maintaining works in the carriageway of a public road (section 27 of the Roads (Scotland) Act 1984);
- 20. providing and maintaining raised paving, pillars, walls, rails, fences or barriers at certain places (section 28 of the Roads (Scotland) Act 1984);
- 21. putting up and maintaining fences or posts to prevent access or to set the boundary for a road or proposed road (section 29 of the Roads (Scotland) Act 1984);
- 22. carrying out work to protect roads against hazards of nature (such as snow, flood or landslide) (section 30 of the Roads (Scotland) Act 1984);
- 23. using the road authority's powers for draining roads (section 31 of the Roads (Scotland) Act 1984);
- 24. contributing to the costs of drainage work (e.g. for flood prevention) (section 32 of the Roads (Scotland) Act 1984);
- 25. providing and maintaining snow gates for the purpose of temporarily closing a road to vehicular traffic on any occasions when snow is rendering or has rendered that road unsafe; and closing and securing any snow gate on the road against traffic (except traffic engaged in the provision or restoration of essential services) in accordance with the provisions set out in section 33 of the Roads (Scotland) Act 1984;
- 26. taking reasonable steps to prevent snow and ice endangering safe passage over public roads (section 34 of the Roads (Scotland) Act 1984);

27. providing and maintaining lighting on roads or proposed roads (section 35 of the Roads (Scotland) Act 1984);
28. constructing road humps (section 36 of the Roads (Scotland) Act 1984);
29. consulting on providing road humps (section 37 of the Roads (Scotland) Act 1984);
30. constructing traffic calming works (section 39A of the Roads (Scotland) Act 1984);
31. providing, maintaining and removing cattle-grids (sections 41, 42 and 43 of the Roads (Scotland) Act 1984);
32. entering into agreements with other neighbouring authorities in respect of cattle grids (section 44 of the Roads (Scotland) Act 1984);
33. providing cattle grids to supersede gates (section 45 of the Roads (Scotland) Act 1984);
34. making agreements for cattle grids with landowners (section 46 of the Roads (Scotland) Act 1984);
35. contributing towards the cost of cattle grids (section 47 of the Roads (Scotland) Act 1984);
36. entering into agreements with any persons willing to contribute to the construction or improvement of a road (section 48 of the Roads (Scotland) Act 1984);
37. maintaining structures and equipment for the detection of traffic offences (section 49A of the Roads (Scotland) Act 1984);
38. planting trees, shrubs, grass and other plants within the boundaries of a public road (section 50 of the Roads (Scotland) Act 1984);
39. allowing trees, shrubs, grass and other plants to be planted by people other than the roads authority (section 51 of the Roads (Scotland) Act 1984);
40. carrying out works to mitigate any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings (section 52 of the Roads (Scotland) Act 1984);
41. making agreements to use land for landscaping to mitigate the effects of road construction (section 53 of the Roads (Scotland) Act 1984);
42. providing and maintaining rubbish bins or storage bins on roads (section 54 of the Roads (Scotland) Act 1984);
43. authorising in writing work in or excavation under a public road (section 56 of the Roads (Scotland) Act 1984);

44. taking action to eliminate danger caused by works in or under a road (section 57 of the Roads (Scotland) Act 1984);
45. granting permission in writing for any person to leave material on a road, or occupy it in any other way, for building purposes (section 58 of the Roads (Scotland) Act 1984);
46. giving written consent, with reasonable conditions attached as appropriate, for things to be placed or deposited in a road (section 59 of the Roads (Scotland) Act 1984);
47. enforcing rectification of failures to mark, light, fence or sign an obstruction in a road, or enforcing a person to shore up or otherwise protect a building in accordance with section 60 of the Roads (Scotland) Act 1984;
48. allowing equipment to be placed under a road (section 61 of the Roads (Scotland) Act 1984);
49. temporarily prohibiting or restricting the use of roads which are dangerous (section 62 of the Roads (Scotland) Act 1984);
50. serving notice that a satisfactory vehicle crossing must be made (section 63 of the Roads (Scotland) Act 1984);
51. giving statutory undertakers consent to work on footways, footpaths and cycle tracks (section 64 (2) of the Roads (Scotland) Act 1984);
52. serving notices on owners or occupiers who fail to keep any structures or fixtures (including cellar openings, doors and covers) or vaults, arches, cellars and tunnels in good condition and repair and requiring them to replace, repair or put into good condition such structures, and paying any associated expenditure incurred by owners or occupiers (section 66 of the Roads (Scotland) Act 1984);
53. issuing notices to enforce an owner to alter a door, gate, window, window shutter or bar in order that it does not reduce safety or convenience by opening outwards into a road (section 67 of the Roads (Scotland) Act 1984);
54. starting the consultation process to stop up public and private access to land (sections 70 and 72 of the Roads (Scotland) Act 1984);
55. stopping up public and private access to land where no objections have been received following notice to the public (sections 70 and 72 of the Roads (Scotland) Act 1984);
56. making land temporarily available for alternative routes during road improvement works (section 74 of the Roads (Scotland) Act 1984);
57. diverting waters (to construct, improve, protect roads) (section 78 of the Roads (Scotland) Act 1984);
58. entering into agreements to maintain or contribute to the cost of

- maintaining bridges (section 79 of the Roads (Scotland) Act 1984);
- 59. serving notices relating to the obstruction of views at corners, bends and junctions (section 83 of the Roads (Scotland) Act 1984);
- 60. giving written permission for skips to be left on a road (section 85 of the Roads (Scotland) Act 1984);
- 61. removing skips which are causing danger or obstruction (section 86 of the Roads (Scotland) Act 1984);
- 62. requiring persons to remove structures that have been erected, deposited or placed on a road in accordance with section 87 of the Roads (Scotland) Act 1984;
- 63. removing or altering projections of any buildings that interfere with safe or convenient passage along a road (section 88 of the Roads (Scotland) Act 1984);
- 64. intimating to owners that they must remove objects which have fallen onto a road causing an obstruction, and if the owner cannot be traced or fails to remove the object within a reasonable period of time, or if the case is one of emergency, removing such objects (section 89 of the Roads (Scotland) Act 1984);
- 65. taking all reasonable steps for the purpose of warning road users of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
- 66. recovering from owners any expenses reasonably incurred in the removal of obstructions in accordance with section 89 of the Roads (Scotland) Act 1984;
- 67. agreeing to any overhead bridge, beam, rail or similar apparatus being fixed or placed over, along, or across a road (section 90 of the Roads (Scotland) Act 1984);
- 68. serving notices on owners to carry out work to remove danger where a hedge, tree, or shrub is causing danger, obstruction or interference to passing vehicles or pedestrians, and carrying out such work if required in accordance with section 91 of the Roads (Scotland) Act 1984;
- 69. giving consent for trees or shrubs to be planted within 5 metres of a carriageway and removing trees or shrubs planted without such consent (section 92 of the Roads (Scotland) Act 1984);
- 70. taking steps to protect road users from dangerous things on land beside or near a road (section 93 of the Roads (Scotland) Act 1984);
- 71. serving notices on occupiers of land adjoining a road to take steps to remove any risks of injury caused by wire, electrified fence, spikes, glass or any device (section 93 of the Roads (Scotland) Act 1984);
- 72. filling in a pipe or ditch next to or near a public road which is a danger



- to road users (section 94 of the Roads (Scotland) Act 1984);
73. recovering the cost of clearing mud, clay and so on, on a road (section 95 of the Roads (Scotland) Act 1984);
  74. recovering extraordinary costs for maintaining a road that has excessively heavy traffic (section 96 of the Roads (Scotland) Act 1984);
  75. giving consent in writing to stalls and similar structures being put up next to a principal road for the purposes of selling goods (section 97 of the Roads (Scotland) Act 1984);
  76. taking action related to stray and other animals on roads (section 98 of the Roads (Scotland) Act 1984);
  77. serving notices on the owners or occupiers of land who are not preventing the flow of water, filth or other offensive matter from their land onto a road, and consenting to other persons carrying out such preventative work with any reasonable conditions in accordance with section 99 of the Roads (Scotland) Act 1984;
  78. acquiring land when constructing or improving roads for schemes approved by the Council (sections 104, 106 and 107 of the Roads (Scotland) Act 1984);
  79. acquiring land to improve amenity of new or improved road for schemes approved by the Council (section 105 of the Roads (Scotland) Act 1984);
  80. obtaining materials for road repairs (section 121 of the Roads (Scotland) Act 1984);
  81. giving people powers of entry for surveys and inspections (section 140(1) of the Roads (Scotland) Act 1984);
  82. recovering expenses incurred when surveying land, etc. in connection with the Council's duties as roads authority (section 140(6) of the Roads (Scotland) Act 1984);
  83. carrying out work that someone has failed to do (section 141 of the Roads (Scotland) Act 1984);
  84. carrying out the roads authority's enforcement functions under the Roads (Scotland) Act 1984;

## **Traffic**

85. commencing and completing the statutory procedure set out in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, and doing all necessary preparation prior to making orders under the following sections of the Road Traffic Regulation Act 1984:
  - (a) sections 1, 2, and 4 (road traffic orders);

- (b) section 9 (experimental traffic orders);
  - (c) section 19 (regulation of highways by public service vehicles);
  - (d) sections 32, 35, 45, 46 and 49 (parking places);
  - (e) section 37 (extension of powers for purposes of general scheme traffic control);
  - (f) section 53 (designation orders);
  - (g) sections 82 and 83 (restricted roads); and
  - (h) section 84 (speed limit orders);
86. making orders under sections 1, 2, 4, 9, 19, 32, 35, 37, 45, 46, 49, 53, 82, 83 and 84 (as described in paragraph 84 above) of the Road Traffic Regulation Act 1984 where there have been no objections received by the public;
87. in relation to orders made under paragraph 85 of the Scheme, making decisions that section 3(1) of the Road Traffic Regulation Act 1984 shall not have effect;
88. commencing and completing the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 prior to:
- (a) making orders determining the means of exercise of a public right of passage under section 152(2) of the Roads (Scotland) Act 1984; and
  - (b) making orders stopping up roads and dangerous accesses under sections 68 and 69 of the Roads (Scotland) Act 1984;
89. making orders determining the means of exercise of a public right of passage where no objections have been following notice to the public (section 152(2) of the Roads (Scotland) Act 1984);
90. making orders to stop up roads and dangerous accesses where no objections have been received following notice to the public (sections 68 and 69 of the Roads (Scotland) Act 1984);
91. recovering the costs of stopping-up orders made under section 68(1) of the Roads (Scotland) Act 1984 (section 147 of the Roads (Scotland) Act 1984);
92. recovering the costs of stopping up roads for safety reasons (section 147 of the Roads (Scotland) Act 1984);
93. recovering the costs of re-determination orders made under section 152(2) of the Roads (Scotland) Act 1984;

94. remitting proposed orders made under sections 68, 69 or 152(2) of the Roads (Scotland) Act 1984 to the Scottish Ministers for consideration where objections have been received and not subsequently withdrawn, in accordance with Regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986;
95. modifying in order to make less onerous (where the modification will remove an objection), or suspending, experimental traffic orders (section 10 of the Road Traffic Regulation Act 1984);
96. temporarily restricting or banning the use of roads (section 14 and 16A of the Road Traffic Regulation Act 1984);
97. putting up, maintaining and altering pedestrian crossings on roads other than trunk roads (section 23 of the Road Traffic Regulation Act 1984);
98. making arrangements for school crossing patrols (siting, selecting and training staff) (section 26 of the Road Traffic Regulation Act 1984);
99. managing off-street parking places including provision of buildings and apparatus, etc (including the contracting out of any charges) (section 33 of the Road Traffic Regulation Act 1984);
100. providing access to premises through off-street parking places where this would relieve or prevent congestion (section 34 of the Road Traffic Regulation Act 1984);
101. acquiring land for off-street parking for schemes approved by the Council (section 40 of the Road Traffic Regulation Act 1984);
102. buying or hiring parking meters (section 49 of the Road Traffic Regulation Act 1984);
103. providing stands and racks for bicycles in a road or elsewhere (section 63 of the Road Traffic Regulation Act 1984);
104. causing or allowing traffic signs to be placed on or near any road (section 65 of the Road Traffic Regulation Act 1984);
105. consulting on the placing of traffic signs in certain circumstances (section 68 of the Road Traffic Regulation Act 1984);
106. serving notices on owners to remove unauthorised traffic signs (section 69 of the Road Traffic Regulation Act 1984);
107. entering any land and carrying out other powers for placing, replacing, converting and removing traffic signs (section 71 of the Road Traffic Regulation Act 1984);
108. putting up and maintaining signs showing a speed limit (section 85 of the Road Traffic Regulation Act 1984);

109. placing bollards or other obstructions on roads where an order is in force that prevents or restricts the passage of vehicles (section 92 of the Road Traffic Regulation Act 1984);
110. placing bollards on a road where authorised or ordered by the Scottish Ministers (section 93 of the Road Traffic Regulation Act 1984);
111. taking action to secure the expeditious, convenient and safe movement of traffic, including pedestrians, especially for access control of commercial and public service vehicles (section 122 of the Road Traffic Regulation Act 1984);
112. carrying out studies and implementing a programme of measures designed to promote safety (section 39 of the Road Traffic Act 1988);
113. consulting about road hump proposals and the placing of signs (Road Humps (Scotland) Regulations 1998);
114. effecting duties as to the general procedure to be followed before a temporary order is made (Paragraph 3 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 );
115. effecting duties as to various procedures to be followed in respect of timing of road works (Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008);
116. effecting duties as to procedures to be followed in respect of timing of road works (The Road (Traffic Calming)(Scotland) Regulations 1994);
117. effecting duties as to procedures to be followed for consultation about traffic calming works and to the placing of signs at such works (The Roads (Traffic Calming)(Scotland) Regulations 1994 as amended);
118. carrying out the roads authority's responsibilities under the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958;
119. carrying out the roads authority's responsibilities including enforcement functions under the New Roads and Street Works Act 1991;
120. commenting as roads authority on planning applications (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008);
121. agreeing to the provision of seats and other street furniture on footways (section 30 of the Local Government and Planning (Scotland) Act 1982);
122. advising other authorities on their proposals to 'stop up' roads (sections 1 and 9 of the Road Traffic Regulation Act 1984; sections 68, 69 and 152 of the Roads (Scotland) Act 1984);
123. providing and maintaining lighting on roads that are not maintained by

the Council;

124. making arrangements for tenders and contracts for supported bus services under the Transport Act 1985;
125. arranging for minor spending on bus services to the limits in force for minor contracts under the Transport Act 1985;
126. erecting, moving and removing bus stops, shelters and information panels provided that no objections are made following notice to the public;
127. installing, moving and removing bus stop clearway markings under the Traffic Signs Regulations and General Directions 2002;
128. carrying out the Council's enforcement functions under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the Transport (Scotland) Act 2001 and the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011;
129. assessing whether people are eligible for forms of concessionary travel;
130. issuing and refusing to issue a disabled person's badge under the criteria prescribed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;
131. asking the Traffic Commissioner to make a traffic regulation condition in respect of a local bus service (section 7 of the Transport Act 1985);
132. dealing with applications to run vehicles for the benefit of the community exempt from Public Service Vehicle etc requirements (section 19 of the Transport Act 1985);
133. dealing with applications to run a community bus service for the benefit of the community exempt from Public Service Vehicle, etc requirements (section 22 of the Transport Act 1985);
134. securing public transport services having regard for transport needs of members of the public who are elderly or disabled (section 63 of the Transport Act 1985); deciding the numbers of, and charges for, Edinburgh healthcare workers' parking permits subject to any disagreement with NHS Lothian being reported to Committee for decision;
135. approving or refusing applications for school crossing patrols in accordance with the Council Policies;

### **Housing and Regeneration**

136. approving offers and authorising payments of grants to Registered Social Landlords;
137. where grants have been paid to Registered Social Landlords agreeing

options of recycling or repayment of such grants in the case of property disposals, subject to consultation with the appropriate convener or vice convener where the value of the grant is more than £250,000;

138. authorising and carrying out repairs and maintenance to homes owned by the Council for the purposes of affordable rent ("Council Homes") in accordance with the Council's repairs policy;
139. operating the "Right to Repair" scheme for tenants of Council Homes;
140. consenting to repairs and improvements of Council Homes;
141. determining whether the costs of repair and improvements to Council Homes should be reimbursed and to what extent;
142. maintaining a common housing register and allocating Council Homes in accordance with the Council's lettings policy;
143. collecting rent, service charges and court costs where applicable from current and former tenants of Council Homes;
144. writing off the arrears balances of former tenants of Council Homes in accordance with Council Policies;
145. consulting with tenants of Council Homes on increases to rent and service charges;
146. carrying out regular maintenance of land held on the Housing Revenue Account;
147. instructing repairs to common areas in accordance with the Tenements (Scotland) Act 2004;
148. preparing and implementing a Tenant Participation Strategy, including keeping a register of tenant organisations in accordance with the Housing (Scotland) Act 2001 and awarding grants up to the sum of £5,000;
149. undertaking housing offender management (sex and serious violent offenders);
150. registering the Council as a property factor with the Scottish Government and taking steps to comply with the code of conduct's standards of practice, in accordance with the Property Factors (Scotland) Act 2011;
151. preparing and maintaining a register of private landlords under the Antisocial Behaviour etc. (Scotland) Act 2004;
152. carrying out functions under Part 9 of the Antisocial Behaviour etc. (Scotland) Act 2004;
153. entering relevant persons on the register of private landlords on receipt of a valid application to register or where a relevant person

- has made a valid houses of multiple occupancy application;
154. approving the entitlement to the relevant discounts of the fee to be entered on the register of private landlords;
  155. carrying out the Council's duties as a landlord under section 30 of the Housing (Scotland) Act 1988;
  156. issuing, serving, suspending and revoking work notices under sections 30, 31 and 32 of the Housing (Scotland) Act 2006;
  157. carrying out work where the owner of a house fails to comply with a work notice or a demolition notice under section 35 of the Housing (Scotland) Act 2006;
  158. carrying out work after notification by a private rented housing committee under section 36 of the Housing (Scotland) Act 2006;
  159. carrying out the Council's functions in relation to maintenance under Part 1, Chapter 6 of the Housing (Scotland) Act 2006;
  160. carrying out the Council's functions in relation to the licensing of houses in multiple occupation under Part 5 of the Housing (Scotland) Act 2006;
  161. carrying out the Council's functions in relation to rights of entry under Part 9 of the Housing (Scotland) Act 2006;
  162. exercising the Council's powers under Part 10 of the Housing (Scotland) Act 2006;
  163. granting, varying, refusing, extending and revoking temporary exemption orders in terms of section 142 and 143 of the Housing (Scotland) Act 2006;
  164. issuing rent penalty notices under the Antisocial Behaviour etc. (Scotland) Act 2004;
  165. where appropriate, refunding fees that have been paid by applicants to be placed on the register of landlords;
  166. processing applications for improvement grants and domestic sound-proofing grants including authority to make payments;
  167. seeking the Scottish Minister's approval to raise the level of grant given to an owner-occupier for reasons of hardship;
  168. carrying out assessments to determine homelessness or the threat of homelessness, and discharging the Council's duties in respect of those assessed as either being homeless or under threat of homelessness;
  169. carrying out spot purchases of accommodation, including Bed and Breakfasts, for homeless, temporary or emergency accommodation;

170. entering into leasing agreements with Registered Social Landlords for homeless, temporary or emergency accommodation;
171. carrying out repairs to white goods and furnishings in homeless, temporary or emergency accommodation and core furnished tenancies;
172. kennelling pets for households staying in homeless, temporary or emergency accommodation;
173. determining who receives housing support in line with Council Policies;
174. implementing and enforcing the conditions of the Council's tenancy agreements for Council Homes including decisions to progress cases for repossession and eviction action;
175. determining eligibility of applicants and administering the sale of Council Homes under "Right to Buy" legislation;
176. purchasing and selling property on the Housing Revenue Account up to a value of £250,000, provided that such purchases are reported annually to the appropriate committee;

## **Licensing**

177. granting or refusing permits for public charitable collections in accordance with criteria approved by the Regulatory Committee;
178. granting, attaching conditions to, refusing and issuing applications for licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 (including taxi and private hire car licence applications where an adverse medical report has been received) subject to:
  - (i) consultation with two of the members of the Regulatory Committee on a weekly duty rota (after consideration of reports by the appropriate officials); and
  - (ii) there being no objection or unresolved representation from a member of the public or the Chief Constable to the application;
179. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, granting, attaching conditions to, refusing and issuing applications for any temporary licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part of A of Appendix 10 where there has been an objection or unresolved representation from a member of the public or the Chief Constable to the application and where it is not practicable for the application to be considered by a scheduled meeting of the Licensing Sub-Committee prior to the date the licence, if granted, is due to commence;
180. granting, renewing, varying and issuing any licence where Police



Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that he/she agrees to the conditions;

181. renewing and issuing licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 if satisfied (after considering reports by appropriate officials) as to their non-contentious nature;
182. keeping a public register of applications, permissions and licences;
183. granting and issuing late hours catering licence renewals with hours in excess of zoning policy, where those hours had been enjoyed in the preceding year without complaint;
184. determining an application for an exemption from the requirement to have a late hours catering licence in respect of any particular occasion or during a specified period not exceeding two months in any period of 12 months, and, where appropriate, to attach to such exemption any of the standing conditions applying to late hours catering licences;
185. refunding the appropriate application fee (or part of the fee) for applications which have been withdrawn or refused and licences which have been granted, in accordance with Council Policy;
186. advertising any proposed taxi stance appointment, variation or revocation and:
  - (c) determining the proposal where no public objections or representations are received; and
  - (d) determining the starting date of any change;
187. determining whether good cause has been shown to deem an application for renewal of a licence made up to 28 days after the expiry of the existing licence is to be treated as if the licence had been made prior to its expiry;
188. subject to consultation with the Convener or Vice-Convener of the Licensing Sub-Committee, considering whether there is a serious threat to public order or public safety which would justify a temporary suspension of any licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10, and where it is considered that such a serious threat to public order or public safety exists, temporarily suspending the relevant licences etc. for a period of not more than 6 weeks or until the suspension is considered by the Licensing Sub-Committee, whichever is sooner;
189. suspending taxi and private hire driver licences on a temporary basis on medical grounds during the currency of a licence where the licence holder is in agreement;

190. exempting new taxi driver licence applicants from elements of the compulsory training course if they have alternative equivalent qualifications;
191. accepting new applications to drive taxis or private hire cars from previously licensed drivers up to six months after the expiry of their licence at the appropriate renewal fee;
192. exercising the Council's overriding discretion in respect of section 187(a)(i) of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers 2006) to consider any negative factor such as:
  - (e) whether the width deviated from the manufacturer's specification for standard vehicles of that type;
  - (f) whether factory options such as wide wheels and tyres had been added; and
  - (g) whether the vehicle could safely fit/utilise any taxi stance, without the stance being modified;
193. approving the installation of WiFi, CCTV or other camera equipment in any relevant licensed vehicle;
194. determining whether alleged changes in circumstances are adequate to allow the processing of a further application for a civic licence within 12 months of a refusal (including licences for houses in multiple occupation);
195. accepting a re-application for a civic licence within 12 months of a refusal under existing delegated powers due to an error of material fact and transferring the original fee to the re-application (including licences for houses in multiple occupation);
196. issuing letters of confirmation in respect of notification of public processions received with the exception of any notification attracting representations that cannot be resolved through negotiation;
197. determining requests for variation of fees for Houses in Multiple Occupation licences;
198. appointing members to vacancies arising in the membership of the Council's Licensing Forum;
199. appointing Licensing Standards Officers in accordance with section 13 of the Licensing (Scotland) Act 2005;
200. determining and issuing wheelchair exemptions on a temporary basis in respect of the City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers;
201. determining whether to hold a hearing to consider the suspension of a licence in terms of the Civic Government (Scotland) Act 1982;

**Community safety, environmental, consumer protection and registration etc.**

202. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10;
203. when appointed by the Scottish Ministers, acting on any Emergency Order made under Part I of the Food and Environment Protection Act 1985;
204. carrying out reviews of air quality in accordance with section 82 of the Environment Act 1995;
205. carrying out assessments of air quality and the achievement of air quality standards or objectives in accordance with section 84 of the Environment Act 1995;
206. complying with any regulations made under section 87 of the Environment Act 1995;
207. enforcing pollution and nuisance control measures in accordance with sections 107, 108 and 109 of the Environment Act 1995;
208. issuing suspension notices under section 14 of the Consumer Protection Act 1987 for goods which are suspected to be unsafe;
209. granting licences under the Health and Safety at Work etc. Act 1974 and the Petroleum Acts 1928 and 1936;
210. making registrations under the Health and Safety and Work etc. Act 1974 and The Poisons Act 1972;
211. appointing and exercising the powers of health and safety inspectors under sections 19 and 20 of the Health and Safety at Work etc. Act 1974;
212. serving improvement notices and prohibition notices under sections 21 and 22 and in accordance with section 23 of the Health and Safety at Work etc. Act 1974;
213. dealing with causes of imminent danger in accordance with section 25 of the Health and Safety at Work etc. Act 1974;
214. providing information upon request under section 27 of the Health and Safety at Work etc. Act 1974;
215. issuing credentials to enforcement staff so that they can deal with enforcing and licensing as provided by the relevant legislation and European directives;
216. providing mobile toilet units, waste containers and assistance in kind to community organisations and charities for special events for which budget provision has been made, and charging for provisions of these services where appropriate;

217. performing the Council's public health duties under sections 11 to 21 of the Edinburgh District Council Order Confirmation Act 1991, including registering premises for acupuncturists, ear piercers and electrolysisists;
218. enforcing the removal or discontinuation of advertisements under section 186 of the Town and Country Planning (Scotland) Act 1997;
219. removing or obliterating placards or posters in accordance with section 187 of the Town and Country Planning (Scotland) Act 1997;
220. appointing officer to carry out the functions of the Public Analyst and Food Examiner (Food Safety Act 1990) and Agricultural Analyst/Depute Agricultural Analyst (Agriculture Act 1970);
221. exercising the Council's statutory duties and functions under the Food Safety Act 1990 in relation to issues of food hygiene, food safety and food standards, including labelling;
222. burying or cremating the body of any person who has died or been found dead in the Council's area in any case where it appears to the Council that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the Council, and recovering from the estate of the deceased person the expenses incurred in doing so (section 50 of the National Assistance Act 1948);
223. burying or cremating the body of any deceased person who immediately before his death was in the care of, receiving assistance from, or was a child being looked after by the Council, and recovering the expenses of doing so from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before his death expenses incurred (section 28 of the Social Work (Scotland) Act 1968);
224. maintaining cemeteries in accordance with section 10 of the Edinburgh District Council Order Confirmation Act 1991;
225. awarding community grants from dedicated budgets;
226. providing and managing the Council's library services;
227. requiring any person to whom any article (other than a book or periodical) is lent to deposit with the Council a sum of money for the safe return of such article (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
228. making a charge for notifying a person that an article reserved by him has become available for borrowing (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);
229. charging for the borrowing of any article (other than a book or periodical) or the provision of any service provided at libraries (section 6 of the City of Edinburgh District Council Order Confirmation Act 1991);

230. prescribing periods within which any article borrowed from a library must be returned, and exacting penalties for the retention by borrowers of any article beyond such period (section 39(1)(a) of the Edinburgh Corporation Order Confirmation Act 1967);
231. exercising the Council's functions under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, including registering births and deaths, appointing a registrar and providing and maintaining a registration office;
232. appointing an officer to carry out the function of dealing with stray dogs, and dealing with dogs under sections 149, 150 and 151 of the Environmental Protection Act 1990;
233. exercising the Council's functions under the Public Health etc. (Scotland) Act 2008, including serving notices on owners or occupiers of infected premises, inspecting premises and recovering expenses, and providing mortuaries;
234. carrying out periodical inspections and exercising the Council's inspections functions under sections 9A to 12 of the Zoo Licensing Act 1981;
235. considering and making arrangements for the welfare of animals following the closure of a zoo under sections 16E and 16G of the Zoo Licensing Act 1981;
236. controlling noise from construction sites by investigating, and serving and publishing notices in accordance with section 60 of the Control of Pollution Act 1974;
237. considering applications for consents for works in accordance with section 61 of the Control of Pollution Act 1974;
238. investigating noise nuisance, serving warning notices and fixed penalty notices, and seizing and removing equipment in accordance with sections 41 to 54 of the Antisocial Behaviour etc (Scotland) Act 2004;
239. inspecting and investigating statutory nuisances in accordance with section 79 of the Environmental Protection Act 1990;
240. serving abatement notices and fixed penalty notices and initiating proceedings in relation to statutory nuisances in accordance with sections 80, 80ZA and 80A of the Environmental Protection Act 1990;
241. abating nuisances and recovering costs in relation to statutory nuisances in accordance with sections 81, 81A and 81B of the Environmental Protection Act 1990;
242. issuing fixed penalty notices for contravention of unauthorised or harmful depositing of waste in accordance with section 33A of the Environmental Protection Act 1990;

243. complying with the duty of care in relation to controlled waste in accordance with section 34 of the Environmental Protection Act 1990;
244. issuing notices and requiring the removal of waste unlawfully deposited in accordance with section 59 of the Environmental Protection Act 1990;
245. promoting the abatement of litter in accordance with section 87 of the Environmental Protection Act 1990;
246. issuing fixed penalty notices for leaving litter in accordance with section 88 of the Environmental Protection Act 1990;
247. designating litter control areas in accordance with section 90 of the Environmental Protection Act 1990;
248. serving litter abatement notices in accordance with section 92 of the Environmental Protection Act 1990;
249. issuing street litter control notices in accordance with section 93 of the Environmental Protection Act 1990;
250. complying with regulations made by Scottish Ministers in relation to the display of advertisements in accordance with section 182 of the Town and Country Planning (Scotland) Act 1997;
251. removing abandoned vehicles in accordance with section 3 of the Refuse Disposal (Amenity) Act 1978;
252. disposing of removed vehicles in accordance with section 4 of the Refuse Disposal (Amenity) Act 1978;
253. recovering expenses in connection with removed vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978;
254. dealing with graffiti in accordance with sections 58 to 65 of the Antisocial Behaviour (Scotland) Act 2004, including serving graffiti removal notices;
255. exercising the Council's functions and powers in relation to drains in accordance with sections 29 to 34 of the Edinburgh District Council Order Confirmation Act 1991, including removing obstructions and serving notices;
256. serving notices in relation to environmental matters in accordance with section 160 of the Environmental Protection Act 1990;
257. discharging the Council's functions in relation to genetically modified organisms, including entering and inspecting premises, in accordance with sections 114 to 117 of the Environmental Protection Act 1990;
258. entering into agreements with Scottish Ministers to exercise the

enforcement functions of the Scottish Ministers in relation to genetically modified organisms, in accordance with section 125 of the Environmental Protection Act 1990;

259. inspecting land in relation to contaminated land in accordance with section 78B of the Environmental Protection Act 1990;
260. serving notices to require the remediation of contaminated land in accordance with section 78E of the Environmental Protection Act 1990;
261. determining appropriate people to bear responsibility for remediation in accordance with section 78F of the Environmental Protection Act 1990;
262. consulting in relation to remediation notices in accordance with sections 78G and 78H of the Environmental Protection Act 1990;
263. serving remediation notices in relation to the pollution of controlled waters in accordance with section 78J of the Environmental Protection Act 1990;
264. serving remediation notices in relation to contaminating substances which escape to other land in accordance with section 78K of the Environmental Protection Act 1990;
265. carrying out remediation to the relevant land or water environment in accordance with section 78N of the Environmental Protection Act 1990;
266. recovering costs incurred in relation to remediation in accordance with section 78P of the Environmental Protection Act 1990;
267. exercising the Council's functions where remediation notices have been served and the land becomes special land, in accordance with section 78Q of the Environmental Protection Act 1990;
268. maintaining a register in relation to contaminated land in accordance with sections 78R, 78S and 78T of the Environmental Protection Act 1990;
269. providing SEPA with information when requested in accordance with section 78U of the Environmental Protection Act 1990;
270. having regard to guidance issued by SEPA in accordance with section 78V of the Environmental Protection Act 1990;
271. exercising the Council's functions in relation to contaminated land in accordance with section 78X of the Environmental Protection Act 1990;
272. carrying out the Council's enforcement functions under sections 68, 71, 74 and 78 of the Antisocial Behaviour etc. (Scotland) Act 2004

273. carrying out the Council's enforcement functions in relation to fireworks in accordance with sections 2, 3 and 12 of the Fireworks Act 2003;
274. entering and inspecting premises, issuing fixed penalties and commencing legal proceedings in relation to smoking, in accordance with sections 1 to 10 of the Smoking, Health and Social Care (Scotland) Act 2005;
275. enforcing the safety provisions of the Motor Cycle Noise Act 1987;
276. enforcing the provisions of the Tobacco Advertising and Promotion Act 2002 in accordance with sections 13 and 14 of that act;
277. enforcing the duty to provide information on sale of houses, in accordance with sections 109 to 112 of the Housing (Scotland) Act 2006;
278. exercising the Council's enforcement functions in accordance with sections 25 and 26 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
279. applying for tobacco retailing banning orders and ancillary orders in accordance with sections 15 to 19 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
280. issuing fixed penalty notices in accordance with section 27 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
281. exercising the Council's powers of entry in accordance with sections 28 to 31 of the Tobacco and Primary Medical Services (Scotland) Act 2010;
282. exercising the Council's enforcement powers in relation to copyright infringement in accordance with sections 107A and 198A of the Copyright, Designs and Patents Act 1988;
283. exercising the Council's enforcement functions and powers under the Enterprise Act 2002;
284. dealing with the clean up of spills in accordance with the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998;
285. requiring the owner of a public building to execute works necessary to minimise the risk to the public in the event of danger in accordance with section 23 of the City of Edinburgh District Council Order Confirmation Act 1991;
286. requiring owners to carry out, or carrying out works to secure, restore or repair structures, fixtures, walls or fences that has become insecure, worn out, damaged or in need of repair, and recovering the costs of doing so, all in accordance with section 24 of the Edinburgh District Council Order Confirmation Act 1991;



287. giving notice to person requiring them to take steps to reduce the emission of dust in accordance with section 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
288. serving notices in accordance with section 26 and in relation to sections 23 to 25 of the City of Edinburgh District Council Order Confirmation Act 1991;
289. cancelling and serving new notices under section 48 of the City of Edinburgh District Council Order Confirmation Act 1991;
290. entering premises to perform the Council's functions under the City of Edinburgh District Council Order Confirmation Act 1991 in accordance with section 53 of that act;
291. executing works and recovering the costs of doing so where an owner or occupier fails to do so after being served notice to do so in accordance with section 57 of the City of Edinburgh District Council Order Confirmation Act 1991;

### **Parks and Greenspace**

292. approving in accordance with conditions considered appropriate to individual applications, and in accordance with Council Policy, all requests from organisations to make use of parks and recreational areas, subject to consultation with:
  - (a) the Convener or vice-Convener of the Transport and Environment Committee;
  - (b) the Festival and Events Champion;
  - (c) local ward Councillors;
  - (d) as appropriate, other Council service areas; and/or
  - (e) as appropriate, Lothian and Borders Police (or its successor) and other emergency services;
293. issuing felling orders for trees affected by Dutch Elm Disease (sections 3(1) (2) and (4) and 5(1) of the Plant Health Act 1967 and section 20 of the Agricultural (Miscellaneous Provisions) Act 1972 (B) and Dutch Elm Disease (Amendment) (Local Authorities) Order 1975);
294. creating, maintaining, enhancing and removing physical and natural assets within the Council's parks and greenspaces;
295. creating, maintaining, enhancing and removing trees and other landscape features managed by the Council;
296. implementing the provisions of the Council's Park Management Rules;

297. implementing the provisions of the Allotments (Scotland) Acts and administering the Council's allotment regulations;
298. implementing the provisions of wildlife, nature, access and parks legislation, including:
  - (h) Countryside (Scotland) Act 1967;
  - (i) Wildlife and Countryside (Scotland) Act 1981;
  - (j) National Parks and Access to the Countryside Act 1949;
  - (k) Nature Conservation (Scotland) Act 2004;
  - (l) Wildlife and Natural Environment (Scotland) Act 2011; and
  - (m) Land Reform (Scotland) Act 2003;
299. drafting, managing and implementing Council approved policy and strategy that relates to parks and greenspace responsibilities;
300. managing the Council's Green Flag Award and other quality management programmes;
301. managing events and activities taking place within parks and greenspaces;

### **Waste Services**

302. preparing specifications and award contracts for repairing and maintaining the Council's vehicles and plant fleet, and for buying replacements, all in accordance with the Contracts Standing Orders as amended from time to time;
303. discharging duties relating to the conduct of the Council's significant trading operations in accordance with section 10 of the Local Government in Scotland Act 2003;
304. specifying the level of services and other relevant details for providing waste management, street cleansing and refuse collection services;
305. negotiating variation orders for changes in the level of waste management, street cleansing and refuse collection services with approved contractors, within the contract prices approved by the Council;
306. setting the prices of trade waste services provided by the Council;
307. exercising statutory duties, functions and enforcement under the legislation listed in Part B of Appendix 10 that relate to waste management;
308. carrying out the Council's waste management functions in accordance with its approved integrated waste management plan,

and providing the Scottish Ministers upon request with a statement setting out whether the Council is carrying out such functions (section 44Z of the Environmental Protection Act 1990);

309. collecting household, commercial or industrial waste, (including, where applicable, issuing reasonable charges for doing so), and exercising the Council's other ancillary powers all in accordance with section 45 of the Environmental Protection Act 1990;
310. arranging for the provision of receptacles to enable separate collection of dry recyclable waste and food waste in accordance with section 45C of the Environmental Protection Act 1990;
311. serving notice on occupiers regarding the placing of waste for collection in receptacles in accordance with section 46 of the Environmental Protection Act 1990;
312. supplying receptacles for commercial or industrial waste, and making reasonable charges for doing so, in accordance with section 47 of the Environmental Protection Act 1990;
313. arranging for the disposal of waste collected, providing places at which to deposit waste before the Council transfers it, providing places at which to dispose of or recycle waste and permitting another person to use the facilities provided by the Council, all in accordance with section 53 of the Environmental Protection Act 1990;
314. ensuring that land occupied by the Council and used as a site in or on which to deposit, treat, keep or dispose of controlled waste is used and operated in accordance with certain conditions, in accordance with section 54 of the Environmental Protection Act 1990;
315. enabling waste to be recycled, used for the purpose of producing heat or electricity, buying or acquiring waste to be recycled and using, selling or disposing of waste belonging to the authority in accordance with section 56 of the Environmental Protection Act 1990;
316. carrying out the Council's duties in response to directions issued by the Scottish Ministers, in accordance with sections 57 and 58 of the Environmental Protection Act 1990;
317. consenting to people sorting or disturbing anything deposited at a place for the deposit of waste or anything deposited in a receptacle for waste, in accordance with section 60 of the Environmental Protection Act 1990;
318. carrying out the Council's duties in response to regulations issued by the Scottish Ministers, in accordance with section 62 of the Environmental Protection Act 1990;
319. minimising the quantities of controlled waste in the Council's area and contributing towards the expenses of doing so, in accordance with section 63A of the Environmental Protection Act 1990;

320. exercising the power to require any person to furnish information in accordance with section 71 of the Environmental Protection Act 1990;
321. participating in legal proceedings in accordance with section 73 of the Environmental Protection Act 1990;
322. carrying out the Council's duties in relation to keeping roads clear of litter and refuse in accordance with section 89 of the Environmental Protection Act 1990;
323. participating in legal proceedings arising from a person complaining that he is aggrieved by the defacement, by litter or refuse, of road or land in accordance with section 91 of the Environmental Protection Act 1990;
324. giving notice under section 99 of the Environmental Protection Act 1990 that the Council has resolved to use the powers to seize and remove shopping trolleys, and exercising such powers under Schedule 4 of that act;
325. approving applications for waste action grants where the grant does not exceed £2,500;

## **Building Standards**

326. submitting comments on relaxation applications determined by the Scottish Ministers;
327. signing certificates of evidence in relation to Sheriff Court procedures involving offences in terms of sections 8(2) and 21(5) of the Building (Scotland) Act 2003;
328. undertaking building standards assessments under section 6 of the Building (Scotland) Act 2003;
329. deciding on completion certificate submissions under section 18 of the Building (Scotland) Act 2003;
330. deciding on application under section 21(3) of the Building (Scotland) Act 2003 for a building to be temporarily occupied or used before a completion certificate under section 18 has been accepted;
331. deciding on the imposition of a continuing requirement in terms of section 22 of the Building (Scotland) Act 2003;
332. deciding on the discharge or variation of a continuing requirement in terms of section 23 of the Building (Scotland) Act 2003;
333. maintaining and administering a building standards register in terms of section 24 of the Building (Scotland) Act 2003;
334. serving enforcement notices in terms of sections 25, 26, 27, 28, 29, 30 and 42 of the Building (Scotland) Act 2003 and carrying out all consequential enforcement procedures;
335. signing certificates which certify the reason why occupants need to remove from a property as required by a notice under section 42 of the Building (Scotland) Act 2003;
336. processing section 50 certificates in relation to Building Standards in terms of the Licensing (Scotland) Act 2005;
337. granting or refusing applications for building warrants, amendments to warrants and extensions to the periods of validity of building warrants;

## **Floods, Reservoirs and Coasts**

338. preparing, reviewing, updating and making available for inspection maps of relevant bodies of water and sustainable urban drainage systems (section 17 of the Flood Risk Management (Scotland) Act 2009);
339. assessing relevant bodies of water (other than canals) for the purpose of ascertaining whether the condition of any such body of water gives rise to a risk of flooding of land prepare schedules of inspection, clearance and repair works (section 18 of the Flood Risk

Management (Scotland) Act 2009);

340. preparing maps and responding to the Scottish Environmental Protection Agency ("SEPA") in accordance with section 19 of the Flood Risk Management (Scotland) Act 2009;
341. responding to consultations with SEPA in accordance with section 29 of the Flood Risk Management (Scotland) Act 2009 on the setting objectives and identification of measures under sections 27 and 29 of the Flood Risk Management (Scotland) Act 2009;
342. responding to consultations by SEPA in accordance with section 30(4)(c) of the Flood Risk Management (Scotland) Act 2009;
343. preparing local flood risk management plans to supplement the relevant flood risk management plan in accordance with section 34 of the Flood Risk Management (Scotland) Act 2009;
344. publishing a "draft supplementary part" of the local flood risk management plan as lead local authority in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009 subject to the draft supplementary part being approved by Council or Committee;
345. responding to consultation by a lead local authority on the "draft supplementary part" of the local flood risk management plan in accordance with section 35 of the Flood Risk Management (Scotland) Act 2009;
346. publishing the local flood risk management plan as lead local authority in accordance with section 36(5) of the Flood Risk Management (Scotland) Act 2009 subject to the local flood risk management plan being approved by Council or Committee;
347. responding to consultation by a lead local authority on the finalising, publishing and reviewing of the local flood risk management plan in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009;
348. reviewing the local flood risk management plan and, subject to Council or Committee approval, publish a report on the conclusions of the review in accordance with section 37 of the Flood Risk Management (Scotland) Act 2009;
349. publishing final reports in relation to the local flood risk management plan in accordance with section 38 of the Flood Risk Management (Scotland) Act 2009 subject to Council or Committee approval;
350. taking steps to co-operate with other local authorities where a local plan district covers more than one local authority's area with a view to assisting the preparation and review of the local flood risk management plan and the preparation of relevant reports in accordance with section 39 of the Flood Risk Management (Scotland) Act 2009;

351. taking steps to ensure the Council has regard to flood risk management plans in accordance with section 41 of the Flood Risk Management (Scotland) Act 2009;
352. providing SEPA and lead authorities with information and assistance in accordance with sections 43, 44, 45 and 46 of the Flood Risk Management (Scotland) Act 2009;
353. taking steps to secure appropriate consistence in the information contained in the plan with information contained in characterisations of river basin districts and river basin management plans in accordance with section 48(3) of the Flood Risk Management (Scotland) Act 2009;
354. sitting on the flood risk advisory group (section 49) and sub-district flood risk advisory group (section 50) on behalf of the Council in accordance with the Flood Risk Management (Scotland) Act 2009;
355. taking steps to do anything which (a) will contribute to the implementation of current measures described in any relevant local flood risk management plan, (b) is necessary to reduce the risk of a flood in the Council's area which is likely to occur imminently and have serious consequences for human health, the environment, cultural heritage or economic activity, or (c) will otherwise manage flood risk in the Council's area without affecting the implementation of the measures described in any relevant local flood risk management plan, all in accordance with sections 56, 57 and 58 of the Flood Risk Management (Scotland) Act 2009;
356. carrying out works which the Council has a duty to carry out under section 59 of the Flood Risk Management (Scotland) Act 2009;
357. responding to consultation by the Scottish Ministers on flood protection schemes (section 60(5) of the Flood Risk Management (Scotland) Act 2009);
358. giving notice of proposed flood protection schemes, and making copies of proposed flood protections schemes available for public inspection, in accordance with Schedule 2, Paragraphs 1 and 2 of the Flood Risk Management (Scotland) Act 2009;
359. confirming or rejecting proposed flood protections schemes (where there have been no objections received following notice to the public) in accordance with Schedule 2, Paragraph 4 of the Flood Risk Management (Scotland) Act 2009;
360. keeping registers of flood protections schemes in accordance with sections 62 and 63 of the Flood Risk Management (Scotland) Act 2009;
361. recovering expenses incurred from owners and occupiers of land if such expense is as a result of the actions of such owner or occupier in accordance with section 67 of the Flood Risk Management (Scotland) Act 2009;

362. responding to consultations on flood warnings in accordance with section 77 of the Flood Risk Management (Scotland) Act 2009;
363. entering into land for the purposes of section 79(2)(a) to (i) of the Flood Risk Management (Scotland) Act 2009;
364. serving notice of right of entry in accordance with section 81 of the Flood Risk Management (Scotland) Act 2009;
365. paying compensation to persons who have sustained damage in accordance with sections 82 and 83 of the Flood Risk Management (Scotland) Act 2009;
366. assisting SEPA with transitional arrangements in accordance with section 85 of the Flood Risk Management (Scotland) Act 2009;
367. reporting incidents occurring at reservoirs in accordance with section 88 of the Flood Risk Management (Scotland) Act 2009;
368. discharging the duty to consider the environmental impact of a proposed flood protections scheme in accordance with Part II of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
369. offering relevant objectors (within the meaning of Paragraph 5(4) of Schedule 2 of the Flood Risk Management (Scotland) Act 2009) the opportunity to withdraw the objection in accordance with section 13 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
370. requesting the Scottish Ministers to direct planning permission for any development described in a flood protection scheme in accordance with section 14 of the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010;
371. serving notices or other documents to be sent, served or given under the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 or the Flood Risk Management (Scotland) Act 2009 in accordance with section 15 of the Flood Risk Management (Scotland) Act 2009;
372. in relation to the Braid Burn flood prevention scheme and the Water of Leith prevention scheme (which were confirmed under the Flood Prevention (Scotland) Act 1961) carrying out the powers and duties of the Council, including paying compensation under section 11 of the Flood Prevention (Scotland) Act 1961;
373. exercising the duties and powers of the enforcement authority and all duties of the reservoir undertaker (with respect to all reservoirs owned by the Council) under the Reservoirs Act 1975;



- 374. exercising the duties and powers of the Council in accordance with the Reservoirs (Scotland) Act 2011; and
- 375. carrying out the duties and powers of the coast protection authority in accordance with the Coast Protection Act 1949.

### **City Strategy and Economy**

- 376. developing and advising on policies, strategies, programmes and projects for approval by Council or Committee in relation to economic development, external relations and inward investment, including working in partnership with external organisations (both public and private) that deliver economic development activities (including making financial contributions to these activities where appropriate by way of a loan or grant in accordance with criteria approved by Committee);
- 377. performing the Council's functions in respect of the East of Scotland Investment Fund, including authorising loans subject to annual reporting to the Economy Committee;
- 378. awarding grants of up to £15,000 subject to annual reporting to the  
Economy Committee;
- 379. allocating space within property managed by Economic Development to relevant partners and agreeing the terms of such arrangements;
- 380. making changes to the opening hours of buildings managed by Economic Development as required for operational or budgetary reasons;
- 381. altering or waiving (in whole or in part) charges of hire of property managed by Economic Development where there are sound financial, operational or other justifiable reasons for doing so, subject to annual reporting to the Economy Committee;

### **Culture**

- 382. devising and implementing cultural, heritage and events programmes;
- 383. organising museum and gallery exhibitions;
- 384. altering or waiving (in whole or in part) charges for hire of properties managed by the Director of Culture where there are sound financial, operational or other justifiable reasons for doing so;

385. agreeing in principle and instructing the Executive Director of Resources to conclude temporary leases of property managed by the Director of Culture;
386. allocating space within property managed by the Director of Culture to relevant partners and agreeing the terms of any such arrangements, taking advice as necessary from other service areas, and bringing those arrangements to conclusions as required;
387. making such changes to the opening hours of buildings operated by the Director of Culture as are required for operational and budgetary reasons;
388. awarding grants from the Director of Culture grant budgets subject to:
  - (a) a maximum grant on any one project of £5,000 to be reported to the appropriate Committee annually; and
  - (b) consultation with the appropriate convener and vice-convener;
389. monitoring arms' length organisations which operate Culture facilities or services, or both, on the Council's behalf, including the Festival City Theatres Trust;
390. accepting and rejecting gifts or bequests to the Council's museums and galleries;
391. lending any object in the Council's museum and gallery collections to any gallery, museum or exhibition in accordance with section 7 of the Edinburgh District Council Order Confirmation Act 1991;
392. making recommendations and taking action on the purchase of museum and gallery objects in accordance with Council Policy;
393. commenting on the impact of planning applications on Edinburgh's archaeology and historic environment in accordance with the Scottish Planning Policy (SPP) and accompanying Planning Advice Note (PAN 2/2011), and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008;
394. establishing Friends and other groups to support the work of the service area;

395. contributing up to £10,000 from the Jean F Watson Bequest trust funds to secure the purchase of any single work of art in accordance with the purposes of the trust, in consultation with the Convener of the Committee on the Jean F Watson Bequest;

396. buying individual items valued up to £1,000 for the Museum of Childhood collection using the Catherine E Cowper Trust's funds;

**Public Safety**

397. administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Act 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988; and

398. administering and issuing permits, and carrying out inspection and enforcement duties relating to such permits, for raised structures built to accommodate people under section 89 of the Civic Government (Scotland) Act 1982.

## **APPENDIX 7**

### **SERVICE MANAGER CITY-WIDE - PLANNING (CHIEF PLANNING OFFICER)**

These are the functions referred to in paragraph 10 of the Scheme:

#### **Planning policy**

1. responding directly to consultations on development plans, planning applications, environmental assessments and planning guidance from neighbouring authorities at any stage in the process unless the Service Manager City-Wide - Planning (Chief Planning Officer) considers that:
  - (a) the consultation raises a significant planning issue (which may include transport and other infrastructure matters) for the Council which should be drawn to the attention of the consulting authority;
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest; or
  - (c) the Council should formally object to a proposed development plan;
2. responding directly to planning related consultations from the Scottish Government and Government Agencies unless the Service Manager City-Wide - Planning (Chief Planning Officer) considers that:
  - (a) the consultation raises a significant planning issue for the Council which should be drawn to the attention of the Scottish Government/Government Agency; or
  - (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest;
3. determining whether a qualifying plan, programme or strategy, which is being prepared or modified, requires environmental assessment in accordance with the Environmental Assessment (Scotland) Act 2005 and to undertake environmental assessment where necessary, including preparing an environmental report and carrying out consultations;

**Planning applications etc.**

4. determining applications (including retrospective applications) for planning permission, listed building consent, conservation area consent, non-material variations and consent to display an advertisement, provided that:
  - (a) the decision is in accordance with the statutory development plan (Structure Plan and Local Plan);
  - (b) the decision is in accordance with non-statutory Council adopted policy, or infringements of policy are so minor that refusal or amendment would be unjustified;
  - (c) conditions added by the relevant Committee are not removed or amended;
  - (d) where approval is recommended, not more than six material objections have been received from third parties;
  - (e) where refusal is recommended, not more than six material representations in support of the proposals have been received from third parties;
  - (f) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
  - (g) where the application falls within the definition of local development as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 but is not subject to the terms of the Council's statutory scheme of delegation for local developments;
  - (h) there is no legal agreement required in connection with the application where the financial value of the matters secured in the agreement will be in excess of, or estimated to be in excess of, £250,000, or where by virtue of any policy or non-statutory guidance on developer contributions there is a requirement to be met and, for whatever reason, that requirement is not being fully met;
  - (i) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
  - (j) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
  - (k) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close

friend or relative;

- (l) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative;
  - (m) the application is not for Hazardous Substance Consent;
  - (n) the Service Manager City-Wide - Planning (Chief Planning Officer) does not consider the application to be controversial or of significant public interest, or as having a significant impact on the environment; and
  - (o) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee;
5. determining applications for certificates of lawful use or lawful development under sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997 and applications for certificates of appropriate alternative development, provided that:
- (a) the applications does not raise a significant planning matter, leading to advice to refuse or to object;
  - (b) the Service Manager City-Wide - Planning (Chief Planning Officer) does not consider the application to be potentially controversial, or likely to be of significant public interest, or as having a significant impact on the environment;
  - (c) the application does not fall within the definition of national developments as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
  - (d) no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;
  - (e) the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);
  - (f) the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;
  - (g) the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative; and
  - (h) the application does not meet the criteria approved by the Planning Committee for a hearing by the Development

Management Sub-Committee;

6. determining whether or not an application for planning permission will need to be accompanied by an Environmental Statement;
7. issuing an opinion in respect of a Pre-Application Screening request;
8. deciding whether the method of consultation is acceptable or more is needed in respect of a Proposal of Application Notice;
9. deciding whether or not to decline to determine a repeat application for planning permission in any of the circumstances set out in Section 39 of the Town and Country Planning (Scotland) Act 1997;
10. signing a processing agreement in respect of a major application as defined in the hierarchy of development;
11. promoting a direction altering the duration of a planning consent;
12. deciding whether or not full details of a proposed agricultural building require to be submitted;
13. deciding whether or not full details of a proposed forestry building require to be submitted;
14. deciding whether or not full details of proposed buildings by gas and electricity undertakings, solely for the protection of plant and machinery, are required;
15. deciding whether or not, in the case of proposed demolition of residential property, to require a formal submission;
16. deciding whether or not, in the case of proposed toll facilities on toll roads, to require a detailed submission;
17. determining painting and sundry minor works requiring permission by reason of an Article 4 Direction;
18. determining that alterations to a listed building do not require Listed Building Consent
19. determining whether works or a change of use constitute permitted development;
20. determining the display of advertisements;

**Enforcement action**

21. acting as proper officer in terms of the signing and service of decision notices, enforcement notices and related notices under section 193 of the Local Government (Scotland) Act 1973 and appointing appropriate officers to prepare, sign and serve such notices on his behalf;
22. initiating, progressing and concluding enforcement action, interdict

action or direct action in connection with the following, provided that any significant case, or cases where it is in the public interest to do so, shall be reported to the Development Management Sub-Committee for consideration:

- (a) Planning Contravention Notices;
- (b) Enforcement Notices, including those relating to listed building and advertisements;
- (c) advertisement discontinuation procedures;
- (d) reporting to the procurator fiscal;
- (e) Breach of Condition Notices;
- (f) Amenity Notices;
- (g) Stop Notices;
- (h) Temporary Stop Notices;
- (i) Fixed Penalty Notices;
- (j) Hazardous Substances Contravention Notices;
- (k) Tree Replacement Notices;
- (l) prosecution in respect of the above as necessary and the giving of evidence in court; and
- (m) powers of entry;

23. carrying out the following functions provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration:

- (a) withdrawing, relaxing, or varying an enforcement notice (section 129 of the Town and Country Planning (Scotland) Act 1997);
- (b) undertaking work required by an enforcement notice and recovering the costs (section 135 of the Town and Country Planning (Scotland) Act 1997);
- (c) serving notices in case of compliance or non-compliance with planning consent (section 145 of the Town and Country Planning (Scotland) Act 1997);
- (d) lodging an interdict restraining a breach of planning control to the Court of Session/Sheriff Court (section 146 of the Town and Country Planning (Scotland) Act 1997);
- (e) undertaking work required by non-compliance with a listed building enforcement notice (Town and Country Planning



(Scotland) Act 1997 and section 38 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997);

- (f) serving section 270 Notices and Planning Contravention Notices;
- (g) determining whether or not it is expedient to take no further action in respect of a breach of control, having regard to the provisions of the development plan and other material planning considerations;
- (h) after the service of a notice, taking all necessary subsequent steps to bring the matter to an acceptable conclusion;
- (i) instituting any necessary action to remove or obliterate placards or posters which are displayed in contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the Town and Country Planning (Scotland) Act 1997;
- (j) undertaking and enforcing the procedures requiring developers to inform the Council of the initiation and completion of developments and in relation to the display of notices indicating the development being carried out; and
- (k) issuing and enforcing notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission;

## **Landscape**

- 24. making provisional Tree Preservation Orders (with the Planning Committee approving the final order taking into account objections or representations received);
- 25. authorising the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees protected by Tree Preservation Orders (including the imposition of replanting conditions as appropriate);
- 26. authorising the felling, pruning, topping, lopping of trees or the carrying out of other prohibited works to trees in conservation areas;
- 27. serving, progressing, and concluding actions in respect of tree replacement notices, including any necessary follow up direct action;
- 28. investigating unauthorised works to protected trees and reporting offences to the Procurator Fiscal where considered appropriate;
- 29. considering and determining all applications in respect of high hedge notices, taking any subsequent enforcement or other action and

exercising powers of entry and other supplementary powers in accordance with the High Hedges (Scotland) Act 2013 provided that any significant cases, or cases where it is in the public interest to do so, are reported to the Development Management Sub-Committee for consideration;

### **Appeals**

30. determining what response should be made to the Directorate of Planning and Environmental Appeals in the case of appeals submitted in respect of the non-determination of an application and where the application could otherwise have been dealt with under delegated powers;

### **Legal Agreements**

31. entering into a legal agreement with a developer, provided that:

- (a) the agreement complies with the terms of government guidance, relevant development plan policies and supplementary guidance on developer contributions; and
- (b) does not involve a financial sum or other contributions of a value exceeding £250,000;

32. entering into a discharge of a legal agreement granting partial or full discharge of the relevant party's obligations on the due performance by that party of such obligations;

33. modifying a legal agreement with the relevant party provided that:

- (a) the terms of the modifications comply with the terms of government guidance, relevant development plan policies and supplemental guidance on developer contributions; and
- (b) it does not involve reducing the financial sum or other contributions in the legal agreement;

### **Miscellaneous**

34. authorising Powers of Entry to land for any purpose (especially surveying) relating to the preparation of a development plan and general planning controls (sections 269 & 270 of the Town and Country Planning (Scotland) Act 1997);

35. allocating new street numbers and, in consultation with the appropriate local ward councillors, changing street numbers and naming new streets;

36. requiring proper maintenance of land affecting listed buildings or conservation areas and to undertake necessary work and recover costs

in cases of non-compliance (sections 135 and 179 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997); and

**Flooding**

37. requesting advice from SEPA as to flood risk under section 72 of the Flood Risk Management (Scotland) Act 2009.

**APPENDIX 7****STATUTORY FUNCTIONS AND STATUTORY OFFICERS**

<u>Statutory Function</u>	<u>Legislation</u>	<u>Officer</u>
Agricultural Analyst/Depute Agricultural Analyst	section 67(3) of the Agriculture Act 1970	Environmental Health and Scientific Services Manager/ Scientific and Environmental Service Manager
Assessor	section 27 of the Local Government etc. (Scotland) Act 1994	Assessor of the Lothian Valuation Joint Board
Chief Inspector of Weights and Measures	section 72 of the Weights and Measures Act 1985	Licensing and Trading Standards Service Manager
Inspector of Weights and Measures	Section 72 of the Weights and Measures Act 1985	Certain officers appointed by the Chief Inspector of Weights and Measures from time to time.
Chief Social Work Officer	Social Work (Scotland) Act 1968	Chief Social Work Officer
Chief Education Officer	Education (Scotland) Act 2016	Chief Education Officer
Counting Officer	Parties, Elections and Referendums Act 2000	Chief Executive
Dog Catcher	section 149 of the Environmental Protection Act 1990	Dog Warden
Food Examiner	Section 30 of the Food Safety Act 1990	Environmental Health and Scientific Services Manager/ Scientific and Environmental Service Manager

Head of Paid Service	section 4(1) of the Local Government and Housing Act 1989	Chief Executive
Mental Health Officers	section 32 of the Mental Health (Care and Treatment)(Scotland) act 2003	Certain social workers as appointed by the Chief Social Work Officer from time to time.
Monitoring Officer	section 5(1) of the Local Government and Housing Act 1989	Head of Legal and Risk
Public Analyst	sections 27 and 30 of the Food Safety Act 1990	Environmental Health and Scientific Services Manager/ Scientific and Environmental Service Manager
Registrar of Births, Deaths and Marriages	section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965	Chief Registrar
Returning Officer	Sections 25 and 41 of the Representation of the People Act 1983	Chief Executive

**APPENDIX 8**  
**PROPER OFFICER FUNCTIONS**

<u>Proper Officer Function</u>	<u>Legislation</u>	<u>Officer</u>
Declaration of acceptance of office	section 33A of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Resignation of office by a member	section 34 of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes	sections 50B(2), 50B(7) and 50C(2) of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Compilation of background papers for inspection	section 50D of the Local Government (Scotland) Act 1973	All Executive Directors and Chief Executive
Members' rights of access to documents which enclose "exempt information"	section 50F(2) of the Local Government (Scotland) Act 1973	Chief Executive
Transfer of securities on alteration of area etc.	section 92 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Financial Administration	section 95 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Education endowments	section 128 of the Local Government (Scotland) Act 1973	Head of Legal and Risk
Ordnance Survey	section 145 of the Local Government (Scotland) Act 1973	Executive Director of Place

Service of legal proceedings etc.	section 190 of the Local Government (Scotland) Act 1973	Head of Legal and Risk
Claims in sequestrations and liquidations	section 191 of the Local Government (Scotland) Act 1973	Executive Director of Resources
Authentication of documents and execution of deeds	sections 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 2005	Executive Director of Resources and Head of Legal and Risk
Inspection and deposit of documents	section 197 of the Local Government (Scotland) Act 1973	Executive Director of Resources and Head of Legal and Risk
Procedure for byelaws	sections 202 and 204 of the Local Government (Scotland) Act 1973	Executive Director of Resources and Head of Legal and Risk
Roll of honorary freemen	section 206 of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Notice of Meeting	Schedule 7 of the Local Government (Scotland) Act 1973	Head of Strategy and Insight
Politically restricted posts	section 2 of the Local Government and Housing Act 1989	Executive Director of Resources
Maintaining the register of members' interests	Regulation 6 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003	Head of Strategy and Insight

**APPENDIX 9**  
**LIST OF LEGISLATION**

**Part A**

1. Animal Boarding Establishments Act 1963;
2. Animal Health and Welfare (Scotland) Act 2006;
3. Breeding of Dogs Act 1973;
4. Cinemas Act 1985;
5. City of Edinburgh District Council Order Confirmation Act 1991;
6. Civic Government (Scotland) Act 1982;
7. Dangerous Wild Animals Act 1976;
8. Deer (Scotland) Act 1996;
9. Housing (Scotland) Act 2006;
10. Hypnotism Act 1952;
11. Performing Animals (Regulation) Act 1925;
12. Pet Animals Act 1951;
13. Petroleum (Transfer of Licences) Act 1936;
14. Riding Establishments Acts 1964 and 1970;
15. Theatres Act 1968; and
16. Zoo Licensing Act 1981.

**Part B**

1. Accommodation Agencies Act 1953;
2. Agriculture Produce (Grading and Marking) Acts 1928 and 1931;
3. Agriculture Act 1970;
4. Agriculture (Miscellaneous Provisions) Act 1968;



5. Animal Boarding Establishments Act 1963;
6. Animal Health Act 1981;
7. Animal Health and Welfare (Scotland) Act 2006;
8. Breeding and Sale of Dogs (Welfare) Act 1999;
9. Breeding of Dogs Act 1973 and 1991;
10. Burial Grounds (Scotland) Act 1855;
11. Children and Young Persons (Protection from Tobacco) Act 1991;
12. Church of Scotland (Property and Endowment) Act 1925;
13. Cinemas Act 1985;
14. Civic Government (Scotland) Act 1982;
15. Civil Partnership Act 2004;
16. Clean Air Act 1993;
17. Control of Dogs (Scotland) Act 2010;
18. Consumer Credit Act 1974;
19. Consumer Protection Act 1987;
20. Cremation Acts 1902 and 1952;
21. Cremation (Scotland) Amendment Regulations 2003;
22. Dangerous Wild Animals Act 1976;
23. Development of Tourism Act 1969 (sections 17 and 18);
24. Dog Fouling (Scotland) Act 2003;
25. Education Reform Act 1988 (section 215);
26. Energy Conservation Act 1981 (section 20);
27. Environment and Safety Information Act 1988;
28. Estate Agents Act 1979;

29. European Communities Act 1972 (section 2(2));
30. Explosives Act 1875 (sections 74 and 78);
31. Fair Trading Act 1973;
32. Food and Environment Protection Act 1985 (sections 19(1B) and (1C));
33. Hallmarking Act 1973;
34. Housing (Scotland) Act 1987, Parts IV, V, VII and VIII
35. International Health Regulations 2005;
36. Marriage (Approval of Places) (Scotland) Regulations 2002;
37. Marriage (Scotland) Act 1977;
38. Medicines Act 1968;
39. Performing Animals (Regulation) Act 1925;
40. Pet Animals Act 1951;
41. Petroleum (Consolidation) Act 1928 (section 17);
42. Poisons Act 1972;
43. Prevention of Damage by Pests Act 1949;
44. Prices Act 1974 and 1975;
45. Private Rented Housing (Scotland) Act 2011;
46. Property Misdemeanors Act 1991;
47. Public Health (Aircraft) (Scotland) Regulations 1971;
48. Public Health (Ships) (Scotland) Regulations 1971;
49. Rent (Scotland) Act 1984;
50. Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003);
51. Sewerage (Scotland) Act 1968;

52. Single Use Carrier Bags Charge (Scotland) Regulations 2014;
53. Telecommunications Act 1984 (section 30);
54. Theatres Act 1968;
55. Timeshare Act 1992;
56. Trade Descriptions Act 1968;
57. Trade Marks Act 1994;
58. Video Recordings Acts 1984 and 1993;
59. Water (Scotland) Act 1980;
60. Water Services etc. (Scotland) Act 2005;
61. Weights and Measures Act 1985.



# The City of Edinburgh Council

10.00am, Thursday 26 January 2017

## **Festival Theatre – Proposed Acquisition of Solum of Former Shop at 13-17 Nicolson Street – referral report from the Finance and Resources Committee**

**Item number** 8.4  
**Report number**  
**Executive/routine**  
**Wards**

### **Executive Summary**

---

On the 1 December 2016 the Finance and Resources Committee considered a report on the acquisition of the solum of the former shop at 13-17 Nicolson Street, which formed part of the entrance foyer of the Festival Theatre. The report has been referred to the City of Edinburgh Council for approval the use of prudential borrowing for the purchase of the solum.

### **Links**

---

<b>Coalition Pledges</b>	See attached report
<b>Council Priorities</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report

# Terms of Referral

## Festival Theatre – Proposed Acquisition of Solum of Former Shop at 13-17 Nicolson Street

### Terms of Referral

---

- 1.1 In 1992, the Council refurbished and extended the former Empire Theatre in Nicolson Street to create the new Festival Theatre. Two shop premises located either side of the Empire Theatre were demolished to create the new site of the new theatre's glass entrance foyer.
- 1.2 The owners of the two shops required for the project were not willing to sell to the Council at that time. To enable the Festival Theatre project to progress, the owners agreed to grant a 25 year lease of the shop premises to the Council. Both leases included an option in favour of the Council to purchase the solum of the shop premises at the expiry of the leases in 2017, subject to the Council providing written notice before the 31 December 2016.
- 1.3 The Finance and Resources Committee agreed:
  - 1.3.1 To note the purchase of the solum of the former shop for £1 million funded through prudential borrowing.
  - 1.3.2 To refer the report to the City of Edinburgh Council for approval to use prudential borrowing for the purchase of the solum of the former shop at 13-17 Nicolson Street

### For Decision/Action

---

- 2.1 The City for Edinburgh Council is asked to approve the use of prudential borrowing for the purchase of the solum of the former shop at 13-17 Nicolson Street.

### Background reading/external references

---

Minute of the Finance and Resources Committee, 1 December 2016

#### **Kirsty-Louise Campbell**

Interim Head of Strategy and Insight

Contact: Veronica MacMillan, Committee Clerk

E-mail: [veronica.macmillan@edinburgh.gov.uk](mailto:veronica.macmillan@edinburgh.gov.uk) | Tel: 0131 529 4283

## Links

---

<b>Coalition Pledges</b>	See attached report
<b>Council Priorities</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Finance and Resources Committee

10.00, Thursday, 1 December 2016

## Festival Theatre – Proposed Acquisition of Solum of Former Shop at 13-17 Nicolson Street

Item number	7.12
Report number	
Executive/routine	Executive
Wards	

### Executive Summary

---

This report seeks authority to acquire the solum of the former shop at 13-17 Nicolson Street, which forms part of the entrance foyer of the Festival Theatre.

The subjects are currently leased in by the Council, at a rental of £69,000 per annum, with a lease end date of 28 February 2017. Prior to this date the Council will need to enter into a new long lease with the landlord or, by 31 December 2016, exercise its option to purchase.

The Council has the opportunity to acquire the solum, with the purchase price of c. £1M funded through prudential borrowing. The rental charge to the Festival City Theatres Trust will be increased and this element of their rental package would be fixed at £86,000 per annum for 20 years to cover the borrowing cost.

### Links

---

Coalition Pledges	<a href="#">P30, P31</a>
Council Priorities	<a href="#">CP6, CP13</a>
Single Outcome Agreement	N/A



## Festival Theatre – Proposed Acquisition of Solum of Former Shop at 13-17 Nicolson Street

### 1. Recommendations

---

It is recommended that Committee:

- 1.1 Note the purchase of the solum of the former shop for £1M through prudential borrowing.
- 1.2 Refers the report to Full Council on 15 December 2016 to approve the prudential borrowing.

### 2. Background

---

- 2.1 In 1992, the Council refurbished and extended the former Empire Theatre in Nicolson Street to create the new Festival Theatre. Two shop premises located either side of the Empire Theatre were demolished to create the site of the new theatre's glass entrance foyer.
- 2.2 The owners of the two shops required for the project were not willing to sell to the Council at that time. To enable the Festival Theatre project to progress, the owners agreed to grant a 25 year lease of the shop premises to the Council. Both leases included an option in favour of the Council to purchase the solum of the shop premises at the expiry of the leases in 2017, subject to the Council providing written notice before 31 December 2016.
- 2.3 In 2013, the Council purchased one of the former shops, 23-27 Nicolson Street, on the same basis as proposed in this report for 13-17 Nicolson Street.

### 3. Main report

---

- 3.1 The Council entered into a 25 year lease of the former shop with effect from 1 March 1992. The current rent, with effect from 1 March 2014, is £69,000 per annum.
- 3.2 The Culture Service currently pays the rent and then recovers it from the Festival City Theatres Trust which leases the theatre premises from the Council.

- 3.3 Terms for the acquisition of the solum at 13-17 Nicolson have been provisionally agreed with the owner as follows:
- Purchase price £1,000,000
  - Legal & surveyors costs Each party will meet their own (Legal costs are estimated in the region of £1,500)
  - Land and Buildings Transaction Tax Calculated at approximately £35,250
- 3.4 A detailed business case was prepared and submitted to the Council's Finance Service. Confirmation that prudential borrowing funding can be made available to acquire the former shop solum has been received.
- 3.5 There is an option of not exercising this year's right to purchase and enter into another lease agreement with the landlord which would mean no increased rental for 3 years and a maximum 15 year lease agreement. This would mean a 25 year lease would not be possible, but the rent would remain the same for 3 years, and then increase as previously over the 15 year period offered by the landlord. The Festival City Theatres Trust requires at least a 25 year lease to allow capital development plans and associated funding requirements to be pursued and realised.
- 3.6 This opportunity to purchase would ensure that the site in its entirety is owned by the Council and that the associated costs of the site are not continually increasing. There will be no premium attached to exercising the option to purchase.
- 3.7 On concluding the purchase, the Trust will have the opportunity to negotiate a renewed lease agreement with the Council for both the Festival and King's Theatres which they require for future business planning stability and capital improvements.
- 3.8 The Festival City Theatres Trust is currently partly funded by the Council to deliver on strategic priorities. The venue is owned by the Council, and the Trust manages the venue on the Council's behalf. The repayment of the proposed borrowing will be covered as part of the agreement with the Trust and will be met by the Trust.
- 3.9 Initially, the cost to the Trust will be higher than the current lease agreement of £69,000. Over the 20 year period of prudential borrowing, as repayments are fixed, the real costs will be lower.

#### **4. Measures of success**

---

- 4.1 The successful conclusion of the purchase of the former shop before the end of the current lease and the full site footprint in Council ownership.
- 4.2 The report's recommendations contribute to the delivery of the following Culture Plan objectives:

- 4.2.1 ensure that everyone has access to world class cultural provision; and
- 4.2.2 develop and support the infrastructure which sustains Edinburgh's cultural and creative sectors.

## **5. Financial impact**

---

- 5.1 The related costs of £1,036,750 can be met through prudential funding and the repayment through rental income from the Festival City Theatres Trust who lease the theatre premises from the Council.
- 5.2 The report outlines total capital expenditure plans of £1.037m. If this expenditure were to be funded fully by borrowing, the overall loan charges associated with this expenditure over a 20 year period would be a principal amount of £1.037m and interest of £0.684m, resulting in a total cost of £1.721m based on a loans fund interest rate of 5.2%. The annual loan charges would be £0.086m.
- 5.3 It should be noted that the Council's Capital Investment Programme is funded through a combination of General Capital Grant from the Scottish Government, developers and third party contributions, capital receipts and borrowing. The borrowing required is carried out in line with the Council's approved Treasury Management Strategy and is provided for on an overall programme basis rather than for individual capital projects. Following instruction from Members, notional loan charge estimates have been provided above, which it should be noted are based on the assumption of borrowing in full for this capital project.

## **6. Risk, policy, compliance and governance impact**

---

- 6.1 Future risk could arise from Festival City Theatres Trust business failure. The Trust is monitored and audited as a Council Company. Likelihood of business failure is currently very low, and risk assessment is undertaken annually and mitigation measures are included in the detailed business case.

## **7. Equalities impact**

---

- 7.1 There are no negative impacts on Equalities and Rights resulting from this report.

## **8. Sustainability impact**

---

- 8.1 There are no negative impacts on Council sustainability policies, plans or strategies resulting from this purchase proposal.

## 9. Consultation and engagement

---

- 9.1 Council Officers have ensured full engagement with the Festival City Theatres Trust throughout this process.

## 10. Background reading/external references

---

- 10.1 [http://www.edinburgh.gov.uk/download/meetings/id/35222/item\\_23\\_festival\\_theatre\\_-\\_proposed\\_acquisition\\_of\\_land](http://www.edinburgh.gov.uk/download/meetings/id/35222/item_23_festival_theatre_-_proposed_acquisition_of_land)

### Paul Lawrence

Executive Director of Place

Contact: Lindsay A Robertson, Service Manager, Cultural Strategy (Arts, Events and Festivals)

E-mail: [lindsay.robertson@edinburgh.gov.uk](mailto:lindsay.robertson@edinburgh.gov.uk) | Tel: 0131 529 6719

## 11. Links

---

<b>Coalition Pledges</b>	P30 – Continue to maintain a sound financial position including long term financial planning P31 – Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure
<b>Council Priorities</b>	CP6 – a creative, cultural capital CP13 - Budget
<b>Single Outcome Agreement</b>	N/A
<b>Appendices</b>	N/A